

regarding what records are kept, their location and availability, license requirements, CILA exclusions and superintendent authority. ([LSC Comparison Document](#))

Three witnesses testified in support, including Dayna Baird, executive vice president of the Ohio Financial Services Association.

Ms. Baird walked the panel through changes that have been made to the statute governing the industry over the years, including 2008 changes that saw many short-term or payday lenders folded into the Ohio Mortgage Loan Act.

The bill at hand, she said, addresses issues that have come up since that time because of the different types of loans offered.

"OFSA members make much different loans to their customers than many other lenders operating under the same act," she said in testimony. "We believe that leads to confusion both for our customers and our regulators. Furthermore, OSFA members have been occasionally confused in media reports with short-term payday and auto title lenders due to the fact that that now operate under the OMLA as well."

Ms. Baird said the bill addresses the "growing problem" by moving relevant sections of the OMLA into the new Consumer Installment Loan Act while also adding additional restrictions for the lenders. She also stressed that the changes would not impact the OMLA for other lenders currently licensed under the law.

Bob Whitehouse, vice president and general counsel of Kentucky-based Eagle Financial Services, said the new law would pertain only to his industry and "better reflects the types of loans we make - loans with longer terms payable in affordable equal monthly payments."

"Importantly, this legislation has additional provisions designed to keep different business models out of the new section," he added. "We believe House Bill 598 will provide much-needed clarity for our industry, the lending community as a whole, or customers and our regulators."

Blake Hanlon, vice president of Indiana-based OneMain, made similar comments in support of the measure, saying it was an appropriate modernization of the code. "We believe enactment of the bill, which is identical to Sen. Peterson's [SB 355](#)...would allow state licensed lenders like our company to be able to continue to assist Ohioans' financial needs," he said.

HB BANKING LAW (Amstutz, R.) For the purpose of enacting a new banking law for the State of Ohio. **616** (CONTINUED-SUBSTITUTE; 1st Hearing-Proponent-Possible substitute)

The committee adopted a substitute version that makes numerous changes to align the measure with a pending Senate companion ([SB 317](#)). ([LSC Comparison Document](#))

Dustin Holfinger, vice president of State Government Relations for the Ohio Bankers League, said in support of the measure that it's "the first comprehensive piece of Ohio banking legislation in approximately 20 years and it has been considerably longer since Ohio laws governing the state's savings banks as well as savings and loans have been thoroughly updated."

The goal of the bill, he said, "is to help Ohio banks remain viable, competitive institutions and enable them to provide enhanced products and services, in a safe and sound manner, for Ohio bank customers and the communities served by Ohio institutions."

The bill is the product of months of negotiations with the Department of Commerce's Division of Financial Institutions, he said. "What you have before you is compromise language that, we believe, all entities feel comfortable with as 'modernization.'"

"It is also focused on eliminating unnecessary regulatory duplication and burdens on Ohio banking organizations; streamlining regulatory governing boards; and decreasing regulatory overhead costs of

examination and training for Ohio banks while also ensuring that future Division of Financial Institutions superintendents and deputies are properly qualified and have ample experience to properly lead the industry's regulatory body," Mr. Holfinger said.

"Recognizing recent profound changes in the industry and the way in which banking products and services are provided, the bill would update and modernize banking law in Ohio in a fashion that will help Ohio banks broaden their products and services while continuing to provide those services in a safe and sound manner. The bill provides enhanced operating simplicity and enhanced competitive opportunities for both stock and mutual organizations to the benefit of both institutions and their customers."

The impact of the legislation, he said, "will be to significantly reduce and simplify Ohio's banking code to make it much shorter and more 'user friendly,' leading to a reduction of operating costs, increased competition and access to expanded products and services - all good things for Ohio banking customers." He called the bill "an important step to help Ohio banks and their customers while recognizing changes in the industry and 'right-sizing' regulation for institutions."

Responding to a question from Rep. Sprague, the witness said components of the measure are meant to align state law with federal law changes.

Finance

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony-Possible amendments & substitute)

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require **331** the Director of Agriculture to license pet stores. (**CONTINUED**; 1st Hearing-Sponsor)

"This is primarily a pet store regulation bill that seeks to regulate where pet stores may obtain dogs for sale. Also it allows pet stores with comprehensive and appropriate regulations to continue to provide the dogs that we love," sponsor Sen. Peterson said.

"Senate Bill 331 represents our effort to create standards that will not only protect dogs and the families who bring them into their home, but will also allow pet stores to conduct their business in a safe manner, while giving the Ohio Department of Agriculture sufficient provisions for enforcement."

The sponsor said that while the bill assures that "healthy, happy dogs with a complete history are shared with the customer that is considering adding them to their family," it's also a "jobs bill."

"The pet industry employs thousands in Ohio and pet stores that sell dogs employ 500 to 1000 Ohioans" and those jobs "are in jeopardy," he said. "Without pet stores, families are forced to go online - a completely unregulated source. I believe that a regulated pet store is better than the unregulated internet."

"Senate Bill 331 creates a statewide standard of pet store regulation. In testimony, a municipality said they 'had to pass a local standard, because the state did not have a standard.' I actually do not disagree with their decisions. Without the resources of the Ohio Department of Agriculture, these municipalities would be unable to enforce these pet store regulations. The statewide standards put in place with SB 331 are the strongest in the country, and the Ohio Department of Agriculture is a fair, effective, and proven regulatory agency."

Sen. Peterson said current law is lacking in regards to where pet stores may source their dogs. "Should this bill pass, pet stores will only be permitted to purchase dogs from rescues, shelters, Humane Societies and qualified breeders," he said.

"The bill defines a qualified breeder as one who is licensed by the Ohio Department of Agriculture, certified by the United States Department of Agriculture, and has no noncompliance issues for the last three years."

"The bill also creates two new licenses: one for pet stores and one for dog retailers. A dog retailer is a business that acts as a broker in that they purchase from breeders and sell to pet stores; this was previously unregulated. Under this legislation, they too must purchase from qualified breeders, so that at every point in the process, customers in Ohio may be assured that their dog has been well cared for. Additionally, the bill creates two new funding line items so that the Department of Agriculture may administer the new licenses."

Rep. Grossman questioned whether the bill significantly restricted dog suppliers. The sponsor allowed that in certain circumstances the bill would allow for people to sell to pet stores from their litters.

Asked whether any "animal welfare" groups were in support, Sen. Peterson said the Ohio Farm Bureau, American Kennel Club and Sportsmen's Alliance backed the measure.

As to whether it had opponents, he said, "If you check your email box I'm sure you will find groups who are opposed to the bill."

Responding on that point to a question from Rep. Driehaus, the sponsor said, "I truly believe that this bill moves the regulatory process further along. We've closed a significant loophole in how dogs are sourced."

Rep. Hall remarked, "I'm still not there with this bill. I have some major issues with this bill." He questioned whether out-of-state breeders would be held to high standard, saying there have been problems in some "unregulated markets."

Sen. Peterson said the Department of Agriculture could expand on that issue in future testimony.

Rep. Anielski asked about municipalities' concerns about losing local control with the measure.

"That is the heart of the bill," Sen. Peterson acknowledged, saying the state is better positioned with resources "to regulate and do an effective job."

Rep. Grossman returned the subject to what she called the "hobby breeder loophole" in the bill and questioned whether all puppy suppliers would be adequately regulated under the provisions.

"This was the closest we could get" to a compromise given the objections of opponents, the sponsor said. He added that "pet stores have a lot of reasons to make sure dogs are healthy and happy" and "there's no incentive" to sell unprepared dogs to consumers.

Agriculture & Rural Development

HB NURSERY STOCK (Ramos, D.) To prohibit the labeling and advertising of nursery stock as pollinator **566** beneficial under specified conditions (CONTINUED; 1st Hearing-Sponsor)

Rep. Ramos said his bill addresses the issue of the declining bee population in Ohio. It focuses on the mislabeling of plants advertised as "beneficial to pollinators" or "pollinator friendly" that have been treated with insecticides contrary to their advertisement, he said. There is no regulation in the "pollinator friendly" plant market, leaving many local farmers and growers uninformed about the harm they can cause to pollinators.

The legislation does not limit the use of insecticides plants that are not specifically marketed as "beneficial to pollinators," Rep. Ramos said.

Rather, the bill "prohibits the reckless labeling and advertising of nursery stock as beneficial to pollinators if certain criteria apply, including the nursery stock was treated with a chemical pesticide that is absorbed by a plant," according to the Legislative Service Commission's [Bill Analysis](#).

Similar legislation was introduced in Minnesota in 2014, a state that also faced a declining bee population, and is seen as beneficial, Rep. Ramos said. "The bill is tailored to hold nurseries accountable."

Following the testimony of Rep. Ramos, Rep. Hagan, who said she was a beekeeper, asked if Rep. Ramos felt that the consumers of "pollinator friendly" plants would have the desire to search for the labeled information about insecticide usage and if they would understand the information.

Rep. Ramos responded that the intent of the bill is that the consumer would not need to read the label, as the responsibility for accurate labeling and advertising would lie with the nurseries.

Rep. Hagan followed up by asking Rep. Ramos how addressing the issue of the declining bee population became his mission, to which he replied that he represents a large agriculture population and is looking for a way for the State to be helpful in a much larger issue. Rep. Ramos said his contacts in Minnesota believe the legislation has been helpful.

Additionally, Rep. Boose -- also identifying as a beekeeper -- shared his concerns with how the bill would be handled regarding interstate commerce laws and foreign plant imports, and if the legislation would deter consumption of "pollinator friendly" plants in Ohio.

Rep. Ramos replied that nurseries would not be punished if they didn't know that insecticides were used by foreign and out-of-state growers. As for interstate commerce, the legislation has done well in Minnesota. He also suggested that a national policy is needed on the topic.

Lastly, Rep. Patterson inquired about the perspectives of parties interested in the bill and if they have any suggestions about the legislation.

Rep. Ramos concluded in stating that his intent for this hearing was to begin a conversation that can take place next year when he will bring stakeholders' perspectives to the table.

HR PHOSPHORUS AGREEMENT (Sheehy, M., Fedor, T.) To encourage support for the agreement between **214** Ontario, Michigan and Ohio regarding the reduction of phosphorus in the western basin of Lake Erie.
■ (CONTINUED; 1st Hearing-Sponsor)

Rep. Sheehy said his resolution shows support of and commitment to the agreement between Ontario, Michigan and Ohio to reduce the amount of phosphorus entering Lake Erie's western basin by 40% by 2025.

He recapped the hardships experienced by the city of Toledo in the summer of 2014, reminding the committee of the three-day ban on the use of drinking water and the tens of thousands of people that were sent on journeys to acquire bottled water, sometimes driving miles and across state lines.

"Now is the time to make changes that will ensure the safety of our great lakes," he said.

Subscribers Note: Full testimony is available on the [committee's website](#) under Nov. 29.

State Government

SB MILITARY FIREARMS (Uecker, J., Gardner, R.) To specify that an active duty member of the U.S. **199** Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is
■ carrying valid military identification and a certificate indicating successful small arms qualification; and (2) may be sold or furnished a handgun if the member has received military or equivalent small arms training.
(CONTINUED-AMENDED (No testimony); 4th Hearing-All testimony-Possible amendment & vote)

The committee accepted a pair of amendments from Rep. Hambley and another from Rep. Sweeney.

The first requires the attorney general to maintain a section on the AG's website providing information on firearms laws specifically applicable to members of the armed forces and a link to a pamphlet described elsewhere in the bill with that information,

The second amendment permits a member of the military to identify him or herself as such via a military ID when stopped by law enforcement in lieu of demonstrating a concealed handgun license.

Rep. Sweeney's amendment was based on prior concerns raised by Rep. Curtin who said during a past hearing that it sounds as if the bill would exempt active military members from prohibitions against selling firearms to a person under age 18 or a handgun to a person under age 21. (See Gongwer Ohio Report, November 16, 2016)

The amendment fixes that by adding language to read the bill's provisions "do not apply to the sale or furnishing of a handgun to an active duty member of the armed forces...."

SB ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and **227** functions of the Attorney General. (**CONTINUED**; 1st Hearing-Sponsor & proponent)

Sen. Bacon said the bill makes several changes requested by the attorney general following his assessment of day-to-day operations.

AG Legislative Liaison William O'Gorman told members most of the bill's provisions are "relatively minor in scope."

The bill would require the superintendent of the Bureau of Criminal Investigations to assist a coroner to ID a deceased person via fingerprint impressions upon the coroner's request. It would also permit a court to order a person's fingerprints taken at the time of sentencing or adjudication and allow BCI to receive a portion of proceeds of sales of forfeited property.

Some of the bill's other provisions would:

- Permit the inspection of sealed conviction records by a law enforcement agency if the person is applying for a position as a law enforcement or corrections officer within that agency.

- Exempt the AG from obligation to pay a financial institution the cost of providing a customer's financial records in connection with a criminal investigation.

- Require the Organized Crime Investigations Commission to create a trust fund for receiving reimbursement of expenses incurred in investigating criminal activity through a task force.

- Clarify the AG has the discretion to charge collection costs to a debtor.

- Permit the AG to use discretion in deciding whether to provide AG letterhead stationary to special counsel appointed to represent the state regarding current taxes.

- Modify language regarding the Consumer Sales Practice Act and activities constituting an unconscionable act in connection with a consumer transaction.

- Require the AG to notify the Department of Commerce of all enforcement actions and judgments regarding loan officers, mortgage brokers, and nonbank mortgage lenders as they occur rather than the current quarterly reporting requirement.

- Authorize minor victims of criminally injurious conduct to file an application for an award of reparations at any time after the conduct occurred.

- Require child pornography offered as evidence to remain in the custody of the prosecutor or the court.

- Create a study committee on restructuring gaming enforcement.

The bill makes further modifications to Revised Code regarding Medicaid fraud and Ohio's antitrust laws.

Responding to Rep. Curtin, Sen. Bacon said there was no opposition testimony received during the Senate committee's consideration.

Rep. Curtin further questioned changes the bill would make to public records law by requiring materials submitted to a public office in response to a competitive bid to become a public record either on the day the office announces the award of a contract or 180 days after the office opens the bids or the request for proposal period expires.

In response, Sen. Bacon confirmed the bill would not strip any documents of their status as public records but would instead prevent a requestor from finding a loophole to obtain documents for a competitive bid prior to the awarding of a contract.

Mr. O'Gorman added the bill would codify the office's practice of offering open meetings law training.

Responding to Rep. Grossman, Sen. Bacon said he is working on several new amendments prompted by concerns of the Ohio Judicial Conference. He anticipates the measures will be done by the committee's Wednesday meeting where the committee has scheduled a potential vote on the bill.

Subscribers Note: For full testimony, see the [committee's website](#) under Nov. 29.

Education

HB EDUCATIONAL SERVICES (Phillips, D.) To require city, exempted village, and local school districts to 372 employ, for each 1,000 students, at least five full-time equivalent educational service personnel in specified areas. (CONTINUED; 1st Hearing-Sponsor)

Rep. Phillips said the bill would reinstitute and expand on a rule that previously required districts to hire five professionals off a list of eight - a rule the State Board of Education voted to eliminate last year.

Under the bill, schools would be required to hire five of nine professionals on a list that includes art, music, physical education, technology and English teachers as well as counselors, nurses, social workers and librarians.

"The research is clear. The arts contribute to student success in many ways. Music education is strongly linked to improved math proficiency. The ability to research and evaluate information is critically important in a fast-paced social media environment with sometimes sketchy sources of information. And, the supportive services of nurses and counselors can help students overcome potential barriers to their success," Rep. Phillips said.

"Other countries look to America's success as creative problem solvers and innovators, and want to emulate our education system, and this rule is one way to ensure that all Ohio students to a reasonably broad curriculum."

She told Rep. Huffman that schools could share professionals because they're required to hire only five FTEs off the list for every 1,000 students.

HB STUDENT EXPULSIONS (Kunze, S.) With respect to the expulsion of a student from a school district, 498 community school, or STEM school for communicating a threat of violence to occur on school grounds. (CONTINUED; 2nd Hearing-Proponent)

Hilliard leaders applauded the bill, saying they've already got a number of mental health and alternative education options in place as a result of a situation where a student took steps to carry out a mass shooting at a high school.

Police Chief Robert Fisher, Superintendent John Marschhausen and Board of Education President Heather Keck said the bill will give districts and first responders better tools to address safety concerns and the discipline of students who threaten violence.

The bill gives districts the authority to remove a student from school if they refuse to take a mental health evaluation after being deemed a possible threat to others or the district.

"In Hilliard we currently have a number of students that we, as a district and law enforcement officials, have exhausted disciplinary and corrective measures. As professionals we have requested that parents agree to an

evaluation," Mr. Marshhausen said. "As school officials, we have deep concerns about the warning signs for potential violent actions. These students have either threatened violence or acted violently during this current school year."

"When parents refuse the evaluation; the school has no recourse," he continued. "We desperately want to get needed help for these students if help is necessary, but we are currently unable to ascertain the mental state of the student."

Ms. Keck said the bill, which is permissive, strikes a good balance between safety and personal freedoms. It would require a student to take steps to enact a threat of violence before some of the bill's provisions take effect.

School business organizations also said they appreciate the local control provided in the bill and the protections offered to students.

The Buckeye Association of School Administrators, Ohio Association of School Business Officials, and Ohio School Boards Association said in written proponent testimony that the measure "offers a reasonable response at the local level to what seems to be an epidemic of these threats against students, staff, and public property."

Rep. Koehler asked if a student's mental health evaluation would go into their permanent files. He said such information could limit future opportunities, such as joining the military.

Ms. Keck said a student's mental health evaluation is private and is seen only by parents and counselors.

She told Rep. Patterson that her district pays for students to receive the mental health evaluation as long as it's with a partner counseling service. There are a number of options for covering ongoing treatment, such as Medicaid or local non-profit groups, she said.

Although Hilliard offers mental health services for students free of charge, many do not take advantage despite being singled out for them, Mr. Marshhausen said. It's still important to offer mental health assistance, though.

The goal of the legislation is also to keep students out of school if they're a threat to others, but Ms. Keck told the panel it's important for students to continue their education so alternative learning options are always explored in Hilliard.

Ways & Means

HB PROPERTY TAXES (Dever, J.) To change the calculation of the exempt value of improved property subject to a community reinvestment area exemption, to clarify the calculation of the exempt value of property subject to a brownfield remediation exemption, and to authorize the filing of a complaint with the county auditor challenging the assessed value of fully or partially exempt property. **(CONTINUED (No testimony); 2nd Hearing-Proponent)**

HB INVESTMENT COMPANIES (Merrin, D.) To subject small business investment companies to the commercial activity tax rather than the financial institutions tax. **(CONTINUED; 1st Hearing-Sponsor & proponent)**

Rep. Merrin called his proposal "a pro-growth bill that will repeal Ohio's Financial Institutions Tax on Small Business Investment Companies known as SBICs.

"Since 2010, SBICs have invested over \$500 million in 135 Ohio businesses. With SBIC investments, Ohio small businesses gain access to capital to grow, succeed, and create jobs," he said. "In 2014, Ohio created the Financial Institutions Tax and misclassified SBICs as bank organizations, thus subjecting them to the tax. The misclassification has created an unfair tax liability on SBICs. H.B. 592 will treat SBICs more fairly by removing the tax. Without a legislative fix, Ohio risks losing millions in capital investment by being at a competitive disadvantage with other states."

"H.B. 592 is a common-sense fix that correctly updates the definition of bank organizations," Rep. Merrin added in testimony.

Rodger David, managing director of Northcreek Mezzanine and testifying on behalf of the Small Business Investor Alliance, testified in support. He cited several companies, such as Buffalo Wild Wings, Costco and Apple, that started small and grew into household names with the help of SBIC financing.

"Over the past six months we have met with several Ohio officials including the governor's office, the Ohio Department of Taxation and members and staff of the House and Senate. What we found is that the tax on SBICs was not intended to be part of the FIT," he said. "If left in the statute, the FIT continues to be a serious disincentive for SBICs to invest in Ohio small businesses. The tax is assessed on Ohio-based assets, meaning that for every dollar an SBIC fund invests in Ohio companies, they would be assessed this tax."

Mr. David said no other state levies a similar tax.

HBDISASTER BUSINESS EXEMPTION (Ryan, S.) To exempt out-of-state disaster businesses and 612 qualifying out-of-state employees from certain taxes and laws with respect to disaster work on critical infrastructure performed in this state during a declared disaster (**CONTINUED**; 1st Hearing-Sponsor)

The bill would "facilitate maximizing and expediting recovery resources during declared disasters," sponsor Rep. Ryan said.

"This legislation will allow communications companies, utilities and other infrastructure companies to rapidly deploy resources and out of state personnel- based solely on the needs of the state and its citizens during a declared emergency- without being hindered and delayed by regulatory and tax paperwork. It will help to accelerate restoration efforts and get the state's business and citizens on the road to recovery."

He said the bill would:

--Amend the public services law, state law and tax law, in relation to thresholds for establishing presence, residency or doing business in the state for out- of -state employees and businesses that temporarily provide resources and personnel in the state during a state of emergency.

--Allow an out-of-state business or employee to not register, file and/ or remit state or local taxes or be subject to any state licensing or registration requirements for a set period of time. Employees and employers will instead continue to be subject to taxes and other

requirements in their home state during this period.

--Exempt any out-of-state employee from having to file and pay income taxes or to be subjected to tax withholdings or to file and pay any other state or local tax or fee during the disaster period, and instead, allow them to pay the tax on that income in their home state.

"This expedites the often enormous and overwhelming task of cleaning up, restoring and repairing damaged buildings, equipment and property. The bill also gives businesses the ability to focus on quickly responding to the needs of the state and its citizens during an emergency," Rep. Ryan said.

The sponsor said 26 other states have passed this legislation since 2012.

Armed Services, Veterans Affairs & Public Safety

HBNATIONAL GUARD SCHOLARSHIPS (Terhar, L., Brinkman, T.) To specify that a National Guard 464 scholarship recipient who fails to complete the recipient's term of enlistment in the National Guard due to enlistment, warrant, commission, or appointment in the United States armed forces is not liable for repayment of the scholarship. (**REPORTED-SUBSTITUTE**; 3rd Hearing-Possible substitute & vote)

Prior to the unanimous report, a substitute version was adopted by the panel. It addresses circumstances that cause a scholarship recipient to become ineligible and liable for repayments, the application of liability exemptions to past scholarship recipients, and repayments to recipients no longer liable under the bill. (LSC Comparison Document)

Commerce & Labor

HB USED TIRES (Sprague, R., DeVitis, T.) To prohibit the installation of unsafe used tires on certain motor **574** vehicles. (**CONTINUED**; 2nd Hearing-Proponent)

Daniel Zielinski, senior vice president, public affairs for the Rubber Manufacturers Association, appeared as a proponent, saying, "Safety is the tire industry's highest priority."

"Tires are among the most highly engineered safety components on vehicles and are directly involved in all aspects of a vehicle's movement - acceleration, deceleration, braking, cornering, turning and handling. While they may still look very similar to tires made decades ago, numerous technological and engineering changes are made constantly to enhance tire performance affecting traction, rolling resistance and tread wear, among others," he said in testimony.

"HB574 is aimed to improve highway and motorist safety in Ohio by addressing the installation of unsafe-used tires," he said. "We estimate that 30-35 million used tires enter the market each year in the U.S. What we don't know is how many are unsafe. But it doesn't take long to find them. Unsafe used tires are readily available and unfortunately easy to come by."

Mr. Zielinski said the installation of used tires is not subject to any regulations.

"HB574 seeks to weed out those tires that every tire professional can and should know poses an unreasonable risk to motorist safety. Simply put, if you're in the business of selling tires, you should know not to sell tires that match the conditions listed in this legislation," he said.

"Requiring automotive service professionals to be appropriately accountable when they return used tires back to road service is a simple, reasonable attempt to protect consumers."

Ric Oxender, representing the Ohio Conference of AAA Clubs, also testified in support.

"Unsafe tires are a danger to motorists operating a vehicle with such tires on their vehicle, as well as a danger to other motorists. It is important to protect motorists from the installation of these tires and the bill does very well in defining what an unsafe tire actually is," he said, adding that the latest version of the measure addressed concerns the group had related to roadside assistance repairs.

"The installation of unsafe tires is a major concern of AAA. This bill will go far in protecting motorists from having unsafe tires installed on their vehicles, while still allowing the sale of scrap tires for recycling," Mr. Oxender said.

The Ohio Chamber and Ohio Manufacturers' Association also provided testimony in support of the bill.

HB MICROBUSINESS (Pelanda, D.) To create a statutory definition of "microbusiness." (**REPORTED-601** **AMENDED**; 2nd Hearing-All testimony-Possible amendments & vote)

The amendment adopted prior to the committee's report added a definition of what constitutes a full-time employee.

Mary McCarthy, owner of Your Management Team, a microbusiness consulting and training firm, said her business was one of only eight to secure an SBA contract to implement a new training initiative, ScaleUp America. The focus, she said, is "to train 30 microbusiness owners each year for five years with the end goal of increasing their annual revenue and number of employees."

"The benefit of adding the term and definition of microbusiness (20 employees or less) is that it provides a voice to 85-95% of the businesses located within the State of Ohio," she said. "Providing a voice starts the conversation of the benefits we bring to our communities, the challenges we face, the desires we hold dear, and allows communication between all parties for the benefit of our micropreneur community."

"By recognizing the microbusiness we are able to focus specifically on creating programs, resources and support that will ensure our smaller businesses thrive thereby increasing revenue and jobs," Ms. McCarthy added.

Jeanne Gokcen, president and CEO of FutureCom Technologies, delivered proponent testimony on behalf of Sharon DeLay, owner of BoldlyGO Career and HR Management. She said the HR consulting company works with more than 80 businesses in Ohio that would qualify as a microbusiness.

"Because microbusinesses have no way to compete with their larger peers on a level playing ground when it comes to accessing, affording, and offering things such as healthcare, retirement plans," she said, "a category of microbusiness could:

--Afford even greater relief in terms of business taxes so that their stronger bottom line can be reinvested back into their businesses for scaling up.

--Create incentives to attract and grow microbusinesses in transitional and emerging communities, to develop strong roots and lasting bonds that continue to grow and reinforce those communities.

--Provide increased access to affordable resources such as targeted training to develop a competitive workforce that will create competitive businesses.

--Restrict certain grants and funding opportunities to microbusinesses that will allow them to access affordable traditional and non-traditional benefits to attract and retain skilled workers."

Sheri Chaney Jones, vice president of public policy for the Columbus Chapter of the National Association of Women Business Owners, also testified in support.

(NAWBO - Columbus) which has been an advocate for microbusinesses in Ohio. I am also the owner of Measurement Resources Company, LLC, an organizational development and research firm headquartered in Columbus

"According to the 2012 Survey of Business Owners and Self Employed Persons, women-owned business in Ohio generate \$44 billion dollars in revenues annually. The average firm size of the 29,000 women-owned business with employees in Ohio is only 1.3 employees," she said. "Most of NAWBO members are seeking support and strategies to grow their overall economic impact and organizational size. However, most of the State of Ohio programs for small business are not geared to the specific needs of the microbusiness owner."

"NAWBO Columbus supports House Bill 601 because it recognizes the unique challenges of microbusiness," Ms. Jones said. "We believe House Bill 601 is a very important first step which can lead to future initiatives and efforts designed to strengthen microbusinesses. These initiatives can help microbusinesses grow to small businesses and beyond. This growth of microbusiness will have significant benefit to Ohio's economy and tax base."

The Ohio Chamber of Commerce submitted written testimony in support.

Government Accountability & Oversight

HBSTATEHOUSE VIDEO (Fedor, T.) To require the Ohio Government Telecommunications Service to **536** broadcast live, with video and audio content, all General Assembly committee meetings and to name this act the Wire the Statehouse Act. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Rep. Fedor said the bill would require the recording, live broadcast and video archiving of all of the General Assembly's committee meetings.

"No longer will our constituents have to rely on second hand reporting to follow the legislation of interest to them," she said.

Ohio Government Television could prepare committee rooms for broadcast in 30 minutes, she said, and OGT already has the ability to stream 10 simultaneous committees on audio.

"Ohio citizens have already purchased the tools necessary to participate fully in history," she said. "It's time to make the promise of full public access made in 1996 with the creation of Ohio Government Television a reality. Full public access is essential to preserving our republican form of government in Ohio in the modern era."

HB 539 NEW AMERICANS (Boyce, K.) To create the office for New Americans. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsor Rep. Boyce said the bill would create an Office for New Americans within the governor's cabinet, with its main function to be to serve as an immigration liaison and to provide expertise to state agencies regarding immigration issues.

Rep. Boyce said his district has a large number of New Americans, and said a state office to hear their issues and emphasize programs that will help them.

"With the population of New Americans drastically rising in the nation and the State of Ohio, HB539 will not only advise of concerning matters affecting New Americans but also support our local government and local refugee and immigrant service providers with the resources these citizens need to flourish and prosper in our state," he said.

HB SPECIAL ELECTIONS (Pelanda, D.) To eliminate the requirement of holding a special election to fill a **591** vacancy in a party nomination for the office of representative to Congress under certain circumstances. **(CONTINUED; 2nd Hearing-Proponent)**

Secretary of State Jon Husted, in written testimony, expressed support for the bill, which would eliminate unneeded special elections to fill a congressional vacancy.

Current law requires that a special primary election be held if the person nominated as a candidate for Congress withdraws or dies more than 90 days before the general election, even if only one candidate files.

A special primary election in the Eighth Congressional District this year cost the state more than \$340,000, he said.

Paul Adams, director of the Lorain County Board of Elections, said the bill would save money and work for boards of elections in cases where only one candidate is on the ballot for a special primary election.

"In short, the goal of HB591 is to save taxpayer dollars, and boards of election from unnecessary work and costs," he said. "It does so while protecting the right of citizens to vote in a special congressional primary IF there is more than one candidate to choose from."

HBSUNSET REVIEW LAW (Amstutz, R.) To revise and renew the Sunset Review Law, to require that a **613** Sunset Review Committee be convened to function during each oddnumbered General Assembly, and to declare an emergency. **(CONTINUED-SUBSTITUTE; 1st Hearing-Sponsor-Possible substitute)**

The committee accepted a substitute version of the bill that includes the full recommendation of the Sunset Review Committee.

Sponsor Rep. Amstutz said the bill includes the work of the committee, which accepted its report of panels, boards and other government entities to be reauthorized, abolished or changed.

A similar bill (HB 471) is before the Senate Government Oversight and Reform Committee, with the Sunset Review Committee's final recommendations expected to be accepted as a substitute Wednesday.

Rep. Amstutz said HB471 is expected to be the final vehicle for the bill, but this process will allow the final recommendations to be vetted in both chambers.

"What's important to us is that we have a chance to have input here in the House so that we can be informed in our interactions with the Senate," he said.

HB STATE PROPERTY CONVEYANCES (Rezabek, J.) To authorize the conveyance of, and the granting of **619** perpetual easements to, state-owned real property. (**CONTINUED**; 1st Hearing-Sponsor-Pending referral)

Sponsor Rep. Rezabek said the bill allows the Department of Administrative Services to sell or convey a number of properties.

"As legislators in this process we serve as trustees of this state owned property on behalf of all Ohioans," he said. "It is our responsibility to ensure that the taxpayer dollars originally used to obtain these properties are fairly recovered after the sale of these properties is completed. This process has been in place for many years and the thorough inspection DAS has conducted on each of these conveyances ensures that taxpayer dollars are safeguarded."

Rep. Clyde asked why agricultural property to be sold by the Department of Rehabilitation and Correction was deemed surplus. Marcey Earley-Jeter, administrator for the DAS Office of Real Estate and Planning, said the department sold its cattle and equipment, so the property was deemed surplus by the state.

Rep. Clyde also asked how other properties listed already had buyers, as opposed to being sold by auction.

Two properties to be sold by Ohio State University are to be bought by buyers who approached the university. One, to be sold to the Columbus Metropolitan Library, was originally to be a lease agreement, Ms. Earley-Jeter said.

"The intent originally was that we could lease the property so that they could build the library. Unfortunately, they had to have title to the property so that they could construct," she said.

HB UNEMPLOYMENT COMPENSATION (Schuring, K.) To increase the taxable wage base under the **620** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (**CONTINUED** (See separate story); Informal Hearing-Sponsor)

SB CAMPAIGN FINANCE REPORTS (LaRose, F.) To require certain campaign committees and other **206** entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. LaRose said in testimony the bill would provide more transparency in local elections by letting campaign finance reports be filed electronically through county boards of elections, which would then be made available through the secretary of state's website, as they are for statewide and legislative races.

While state law was updated in 1999 to create an online reporting system for candidates who file reports with the Secretary of State, similar updates have not been made to allow electronic filing for candidates who file with county boards of elections, Sen. LaRose said.

"For the sake of transparency and accountability, Ohio citizens must have the ability to examine the campaign finances of the political candidates and committees that work to earn their vote," he said. "Ultimately, these facts and figures tell a more objective story than any campaign ad or speech ever could. If we hope to keep Ohio voters informed and engaged in the decisions affecting their communities, we have to use modern means of communication."

SB CORPORATE GOVERNANCE (Bacon, K.) To enact the Corporate Governance Annual Disclosure **273** Act. (CONTINUED; 2nd Hearing-Proponent)

Allison Conklin, assistant director of legislative affairs for the Department of Insurance, said the agency supports the bill, which would require insurers based in Ohio to submit corporate governance disclosures to the department every year.

"Senate Bill 273 does not create any new corporate governance standards - it simply requires an insurer to submit a succinct report identifying their existing governance practices to the Department," she said.

The department also supports an amendment that would establish a threshold meaning insurers with less than \$5 billion in annual direct written premium would not be required to file a disclosure until 2018.

Michael Farley, vice president of legal and government affairs for the Ohio Insurance Institute, said the process is the model suggested by the National Association of Insurance Commissioners as a way to promote regulatory oversight without affecting the confidentiality of insurers.

"The members of the Ohio Insurance Institute welcome this additional regulatory oversight because if an insurance company becomes insolvent, the unpaid claims of the insolvent company must be paid by the other insurance companies operating in the state, based upon their relative market share. For property and casualty insurance companies-there is no tax set-off for the assessments that pay the claims of an insolvent insurer," he said in written testimony.

Written testimony was also provided by the Association of Ohio Life Insurance Companies and the American Fraternal Alliance.

SB SUNSET REVIEW (Jordan, K., Faber, K.) To require standing committees of the General Assembly to **329** establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet. (CONTINUED (No testimony); 2nd Hearing-Proponent)

HR VOTING RIGHTS ACT (Clyde, K., Reece, A.) Commemorating the fiftieth anniversary of the Voting **192** Rights Act of 1965. (CONTINUED; 1st Hearing-Sponsor)

The resolution marks the 50th anniversary of the Voting Rights Act of 1965, sponsor Rep. Reece said.

"The Voting Rights Act came amid a time of civil unrest, a time where civil rights leaders stood up and demanded equality for all, especially for Black Americans, who at that time faced barriers to the ballot box," she said. "The Voting Rights Act served to finally outlaw literacy tests and voter intimidation."

Rep. Reece called the Act one of the most important pieces of legislation in U.S. history, declaring access to the ballot a fundamental right for all.

Rep. Clyde said the Act was a sign of progress, but there is more work to do in promoting voter rights, and the state can improve.

"We can pass a Voter Bill of Rights that would enshrine our commitment to an open and fair democratic process," she said. "We can open our online registration to all (regardless of whether or not they have a state photo ID) and implement Automatic Voter Registration so that every Ohioan who graduates from high school or uses public services has a chance to have their voices heard at the ballot box."

Rep. Clyde pointed to President-elect Donald Trump's recent allegations of voter fraud as signs that the nation needs to continue to emphasize protecting voter rights.

HRCONFEDERATE FLAG (Sykes, E., Reece, A.) To urge the powers of the governments that continue to **206**make issuances containing the confederate flag to discontinue this practice, to urge the powers of the governments that fly the confederate flag or any flag containing imagery of the confederate flag on public property to remove those flags in question, to urge the powers of governments that have official state flags that contain imagery derived from the confederate flag to commence in the process of redesigning the official state flag immediately, to urge South Carolina's General Assembly to direct removal of the confederate flag from state property and to urge Ohio retailers to remove from inventory any confederate flag merchandise. (CONTINUED; 1st Hearing-Sponsor)

Rep. Sykes said the resolution urges the removal of the Confederate flag from state property across the country, the removal of Confederate symbols from flags of other states, and the removal of the Confederate flag from Ohio retail stores.

The resolution was a response to the shooting in Charleston, S.C., in 2015 when a man killed nine African-Americans at a church.

"The Confederate flag, as we know it today, is a mixed rendition of flags flown by the Confederate army," she said. "As a political symbol, the flag was revived in the late 1940s when northern civil rights activists began to press for an end to the South's system of racial oppression, such as Jim Crow laws and legalized segregation."

"Following in Ohio's great moral tradition of standing up to Confederate injustices, this resolution strongly urges the removal of Confederate symbols on government paraphernalia and property across the country," she added.

Rep. Reece said the Confederate flag "does much more to divide us than to unite us as a country."

Community & Family Advancement

HBMARRIAGE (Vitale, N.) To provide that an ordained or licensed minister or religious society is not **286**required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (REPORTED; 6th Hearing-All testimony-Possible vote)

Lisa Wurm, policy manager for the ACLU of Ohio, told the committee that the legislation is unnecessary.

While the Supreme Court legalized same-sex marriage in 2015, the decision did not alter the First Amendment rights of clergy members, she said.

"Let me be very clear: clergy members are not required to conduct marriages that violate their religious or moral tenets and the ACLU would oppose efforts to require them to do so," she told the panel. "At the same time, we will not allow the guise of religious freedom to deny others their rights."

She went on to criticize the measure for a provision that would allow "religious societies" to refuse to hold same-sex marriage ceremonies.

"The lack of a definition for 'religious societies' leaves the door open to broad interpretation," she said. "This appears to allow groups affiliated, however loosely, with a particular religion, the ability to deny same-sex couples access to areas that have little to do with sincerely held beliefs and are open to the public. Providing these services doesn't mean a group is endorsing anyone's marriage, or agreeing with everything the person believes. It simply means they are providing services to the public and that they are open to everyone on the same terms."

Rep. Brenner quoted from the U.S. and Ohio constitutions, citing language dealing with religious freedoms. He added that the Ohio Constitution seems to direct lawmakers to take action to assure religious freedom.

Ms. Wurm said the ACLU sees a difference between practicing religious beliefs and using them as a way to discriminate.

Rep. Boyce questioned whether the bill could also impact the use of church-owned facilities that aren't actual places of worship, such as banquet halls.

Alex Shanks of Equality Ohio also testified in opposition, saying pastors value the freedoms they have and don't need a law that impacts their ability to perform religious services.

He said he has been told that the bill, if enacted, could be seen as a statement of animosity toward the LGBTQ community.

Mr. Shanks said he didn't feel that the bill will eliminate pressures that pastors may face if they are asked to marry a couple that they don't think should be married. Those pressures will still exist, he said.

Rep. Vitale also made a brief presentation before the panel, saying the bill was developed to acknowledge the duty that the General Assembly has in protecting religious freedoms.

He said it acknowledges that there has been a redefinition of marriage and has the goal of mitigating tension that exists across the state.

Rep. Vitale told Rep. Boyce he doesn't want to force anyone to take actions that are against their religious beliefs, and said the bill doesn't discriminate against anyone.

Rep. Greta Johnson said she can't see how a bill like this doesn't have a negative impact on the LGBT community. The bill, she said, could make the situation more divisive. "We all know what this is about," she said.

Rep. Vitale said he would like both sides of the debate to respect the state's diversity.

HBFOSTER CARE (Boyce, K., Rezabek, J.) To provide foster care maintenance payments for children in the **458**care of a kinship caregiver without requiring the caregiver to be certified to provide foster care and to require, rather than permit, the creation of the statewide program of kinship care navigators.
(CONTINUED-SUBSTITUTE; 1st Hearing-Sponsor-Possible substitute)

Rep. Boyd said the substitute removes language regarding licensure and instead focuses on kinship care.

The legislation further defines the kinship navigator program, Rep. Boyd told the panel.

The problem currently, she said, is that local board of job and family services are cash strapped and struggling to provide the service that includes helping kinship caregivers obtain benefits.

"The hallmark of this legislation before you is to change that. We feel like it is necessary to create a system where all kinship caregivers have equitable access to these services. We do not feel like it is fair or just that a caregiver in one county, who has this program, may have access to navigators, but caregivers in counties without these services are without the guidance and counselling needed to care for these children in what is the most

traumatic and stressful moments of their lives. We can do better and must do better for our most vulnerable populations," she said.

Under the measure, the Department of Jobs and Family Services would be required to create five to 12 regions to implement the program statewide.

HB RECORD EXPUNGEMENT (Schuring, K., Reece, A.) To provide for the expungement of official records **618** related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity.

(CONTINUED; 1st Hearing-Sponsor)

SB 308 CHILD SUPPORT (Coley, B.) To amend the child support laws. **(CONTINUED; 1st Hearing-Sponsor & proponent)**

Several proponents of a measure to revamp the state's child support system urged passage of the legislation, including sponsoring Sen. Coley.

The bill contains several changes, including a provision that would allow a child support enforcement agency to order a mother to pay child support, another that would expedite the process for administrative review and adjustment and another that allows for modifications of payment amount in arrears-only cases.

The legislation, Sen. Coley said, "fine-tunes the child support administrative processes. The administrative changes in this legislation are important for providing consistency and efficiency in these processes."

Traci Berry, assistant prosecuting attorney for Tuscarawas County and director of the county's CSEA, said the legislation will create uniformity across the state and make the child support program more efficient.

"These quirks in our child support program statutes cause dissatisfaction for our customers and confusion for our staff. The largest frustrations expressed by our customers are 'Why does this take so long?' and 'Why is this different than my other case?' To them it looks like we are changing the rules and providing different services in different counties. Furthermore, because county CSEAs are providing services to nearly one million cases statewide, the effects on time, money and productivity are compounded," she said.

Amy Roehrenbeck, executive director of the Ohio CSEA Directors' Association, told the panel that the state's child support program includes one in every three children. She also echoed the sentiments of Ms. Berry in lamenting the inconsistency in the program across the state.

"An overarching goal of this bill is to provide better efficiencies and consistency across the state," she said.

Sherri Means of the UnderWings Project called for several changes to the measure, including a provision that would prevent those under the poverty line from being jailed for non-payment and an end to the practice of suspending a driver's license for non-payment.

"We believed as an agency that supports women that helping the frustrated men in child support would be one small step to measure some change when it came to domestic violence; one less conflict, one less fight, possibly one less death as we constantly struggle to find creative ways to make better fathers, better men and better partners," she said.

Judiciary

HB PUBLIC INDECENCY (Schaffer, T.) To require an offender who knowingly commits the offense of public **106** indecency under certain circumstances involving conduct likely to be viewed by minors to register as a Tier I

sex offender/child-victim offender. (CONTINUED-AMENDED; 3rd Hearing-All testimony-Possible amendments)

The bill was amended to clarify that one must purposely expose his or her private parts for sexual gratification or arousal.

However, Robert Neinast still raised concerns, telling the committee that he fears that a college student using the bathroom outside or others that are not trying to harm someone could still be subject to the law.

Chairman Rep. Butler said it is unlikely that the measure will be passed during the General Assembly and there is additional time to tweak the legislation.

HBDNA TESTING (Fedor, T.) To require DNA testing for misdemeanor convictions of voyeurism, public **283** indecency, procuring, soliciting, loitering to engage in soliciting, and prostitution. **(CONTINUED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments)**

The panel adopted an amendment similar to the one added to HB 106 that clarifies one must purposely expose private parts for sexual gratification or arousal.

HBMEDICAL CLAIMS (Cupp, R.) To grant qualified civil immunity to certain medical providers who **559** provide emergency medical services as a result of a disaster or mass hazard; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and a payment for medical services accepted by a defendant from an insurer is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." **(CONTINUED; 1st Hearing-Sponsor & proponent)**

The bill is designed to improve the "medical malpractice climate" in the state, according to sponsoring Rep. Cupp.

The measure makes several changes to Ohio tort law, including:

- Amending the "apology statute": enacted in 2004
- Reducing the initial inclusion of unnecessary defendants when litigation is commenced
- Allowing the Notice of Intent to File a Medical Claim to be served by certified mail
- Prohibiting the introduction of "phantom damages" into evidence
- Establishing a different liability standard for medical care in the event of a widespread disaster

"We have worked on this bill over many months, and I would be happy to work with anyone who has suggestions on how else to improve upon this bill," Rep. Cupp told his colleagues.

Tim Maglione, senior director of government relations for the Ohio State Medical Association, outlined several provisions of the bill, including the amended apology statute.

"Ohio's apology statute currently declares any conduct expressing apology by a health care provider to a patient, a relative or representative of the patient following a medical error is inadmissible as evidence of liability or statement against interest," he said. "Despite the clear purpose and intent of our legislators in enacting an apology statute, Ohio health care providers must still practice extreme caution when communicating to patients that an unexpected outcome has occurred due to confusion as to the scope of the apology statute."

Sean McGlone, senior vice president and general counsel of the Ohio Hospital Association, also provided testimony, telling the panel "this legislative proposal represents an effort to achieve a goal of eliminating unnecessary litigation and to provide further clarity, stability and predictability to our medical and legal communities."

HB LLC REGULATIONS (Dever, J., Reineke, B.) To permit and regulate managers, members, and interests of series limited liability companies. (**CONTINUED (No testimony)**; 2nd Hearing-Proponent)

HB DIGITAL ASSETS (Cupp, R., Rezabek, J.) To adopt the Revised Uniform Fiduciary Access to Digital Assets Act. (**CONTINUED**; 1st Hearing-Sponsor & proponent)

The measure, according to sponsoring Rep. Cupp, is designed to address what happens to one's digital assets once they die.

"Current Ohio law does not expressly answer this question, which is a serious omission in the 'online age,'" he said. "However, according to the Uniform Law Commission, twenty-one states have enacted legislation to clarify their state statutes, and an additional twelve states, now including Ohio, have bills pending."

Fellow sponsoring Rep. Rezabek echoed those sentiments in written testimony.

"In today's world when many Ohioans post photos, comments, and personal communications online, and much of it resides on computer storage or server units which are not owned by the person posting or storing the information, it is important that our laws provide for after-death access to these treasures -- or otherwise fulfill the maker's wishes," he said.

Attorney Mark Watson, on behalf of the Ohio State Bar Association, told the committee that the group is supportive of the measure.

SB POST-CONVICTION RELIEF (Seitz, B., Williams, S.) To require the clerk of a common pleas court to retain a copy of the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to modify the time for filing an amended postconviction relief petition in death penalty cases, to provide for depositions and subpoenas during discovery in postconviction relief proceedings in death penalty cases, and to require a judge hearing a postconviction relief proceeding in a death penalty case to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted. (**REPORTED-AMENDED (No testimony)**; 3rd Hearing-All testimony-Possible amendments & vote)

Two amendments were added to the bill, one to clarify that it does not apply to someone whose case has already been adjudicated and another that limits discovery proceedings to 18 months.

SB REAL PROPERTY (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property instruments, reduce the time period for curing certain defects related to those instruments, and provide constructive notice for those instruments. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor & proponent)

SB EXPUNGEMENT (Obhof, L.) To provide that a person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (**CONTINUED**; 1st Hearing-Sponsor)

The measure, according to sponsoring Sen. Obhof, would provide victims of human trafficking the opportunity to ensure that future employers or landlords would not be able to discover their criminal records established by being victims through a background check.

"As you are all aware, Ohio has taken significant steps to address the problem of human trafficking. Notably, we have recognized the conditions under which people often become involved in prostitution, and have sought to give individuals who are forced to engage in those acts justice through the courts," he said in testimony.

"Despite the progress the state has made in the last few years, our legal system still creates the possibility of compounding the harm to victims. Because a defendant's information remains accessible as a court record after a dismissal or finding of not guilty, the potential exists for the victim to suffer significant future harms."

The bill would also extend to victims of compelling prostitution.

SB PERRY COUNTY COURTS (Hottinger, J.) To create the Perry County Municipal Court in New Lexington **299** on January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (CONTINUED; 2nd Hearing-All testimony)

With the addition of the caseloads of two now-defunct village courts, the Perry County Court needs converted into a municipal court with a full-time judge, according to Judge Dean Wilson.

The court in 2015 dealt with 679 civil and small claims filings and 2,405 criminal and traffic division cases.

"With the court operating on a full-time basis as a Municipal Court with a full-time judgeship, cases would be able to be adjudicated in less time and the court would not struggle to meet the time constraints set forth by local and state rule," Judge Wilson said. "Further, court patrons would be able to have their issues resolved in a timely fashion which would result in less cost to the patron, swifter justice for victims, and more overall satisfaction."

Subscriber's note: Full testimony is available on the [committee's website](#) under Nov. 29.

Transportation & Infrastructure

HB LICENSE PLATE (Anielski, M.) to create the "University of Notre Dame" license plate. **328** (CONTINUED; 1st Hearing-Sponsor)

Rep. Anielski explained that proceeds from a University of Notre Dame license plate would be used to assist Ohio students attending the out-of-state, private university. She said the aim of the bill is not to expand the types of vehicles with specialty plates, but provide a unique way for the legislature to create additional funding for grant assistance for Ohio students.


The sponsor said the additional \$40 per year fee for the license plate would be split \$10 for a BMV administration fee with the remaining \$30 going directly to Notre Dame to be used directly in aiding Ohio residents who attend the university with tuition through grants and scholarships with the university retaining a small administrative fee. She said the ND specialty plate already has community support with over 600 BMV petition signatures of parents, alumni, community members and others.

HB ROAD NAMING (Howse, S., Smith, K.) To designate the planned boulevard known as the Opportunity **477** Corridor within Cleveland as the "Congressman Louis Stokes Opportunity Corridor." (CONTINUED; 1st Hearing-Sponsor)

Co-prime sponsors Reps. Smith and Howse presented the bill by reminding committee members of the long and distinguished careers of former Congressman Louis Stokes and former Ohio House member and former Cleveland Mayor Carl Stokes. They said they would re-introduce the bill early in the next General Assembly asking that the "Opportunity Corridor" be designated in honor and memory of the public service-minded brothers.

HB LICENSE PLATE (Boccieri, J.) To create the "Ohio Pupil Transportation...Safety First!!!" license plate. **553** (CONTINUED; 1st Hearing-Sponsor)


Chairman Boose outlined the bill on behalf of Rep. Boccieri. He said the specialty license plate would carry an additional \$20 fee with half going to the BMV for administrative costs and the other half to the Ohio Association of Pupil Transportation to be used for programs to include professional training and transportation safety awareness programs.

HB ROAD NAMING (Ramos, D.) To designate a portion of Interstate Route 90 in Cuyahoga County as the **605** "Patrol Officer Kenny Velez Memorial Highway." (**REPORTED-AMENDED**; 1st Hearing-Sponsor &  proponent-Possible amendments)

The technical amendment corrected the original reference of patrol officer to trooper.

The panel expedited the legislation designating a portion of I-90 in Cuyahoga County in memory of Trooper Velez who was killed in the line of duty in September. Rep. Ramos, who was a cousin of Trooper Velez, presented the bill and acknowledged the attendance of his widow and teenage son.

Also testifying in support of the bill was Colonel Paul Pride, superintendent of the Ohio State Highway Patrol. Col. Pride, a personal friend and classmate of Trooper Velez, said he has the privilege of working with the finest men and women in law enforcement and is constantly mindful of the sacrifices made on a daily basis. He added that when he heard of Rep. Ramos' efforts for the road naming, he could think of no better way to bring light to all the hard and dangerous work public safety professionals perform daily.

HB BRIDGE NAMING (Ruhl, M.) To designate the bridge spanning Schenck Creek on State Route 36 in **610** Knox County as the "Corporal Nathan R. Anderson Memorial Bridge." (**CONTINUED**; 1st Hearing-Sponsor) 


Rep. Ruhl said Knox County native Corporal Anderson was killed on November 12, 2004 while serving in Anbar Province, Iraq. He was 22 years old. She said Corporal Anderson is a hero who sacrificed everything to protect our freedom and the bridge naming will serve as a way to honor and remember his sacrifice. With the days of the General Assembly waning, Chairman Boose invited Rep. Ruhl to re-introduce the bill early next year.

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Senate Floor Report

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SENATE ACTIVITY REPORT

PASSED

HB 325**DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.)****Regarding encouraging pregnant women who are addicted to controlled substances to seek treatment.****31-0 (Amended) (Earlier REPORTED)****HB 440****AWARENESS DAY (Anielski, M.)****To designate the Saturday before Thanksgiving as "Ohio Survivors of Suicide Loss Day."****31-0****SB 195****SEXUAL CONDUCT (Hughes, J., Hottinger, J.)****To prohibit a person from engaging in sexual conduct with an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling.****31-0**

SB 288**TAX PAYMENTS (Eklund, J.)**

To revise the law governing how taxes on income from pass-through entities is to be reported and paid by the entities and their investors.

30-0 (Earlier REPORTED-AMENDED)

SB 314**HOSPITAL CARE (Lehner, P.)**

To provide for the designation of a lay person to provide after-care to a hospital inpatient and participate in discharge planning.

31-0 (Earlier REPORTED-AMENDED (No testimony))

SB 317**BANKING LAWS (Hughes, J., Coley, B.)**

For the purpose of enacting a new banking law for the State of Ohio.

31-0

SB 364**LAND CONVEYANCES (Peterson, B.)**

To authorize the conveyance of, and the granting of perpetual easements to, state-owned real property.

31-0 (Earlier REPORTED-SUBSTITUTE)

INFORMALLY PASSED**HB 470****PALLIATIVE CARE FACILITIES (Schuring, K.)**

To establish requirements for the operation of palliative care facilities and requirements for hospital after-care and discharge planning, to prohibit assisting suicide, to require coverage for autism services, and to require the development of recommendations concerning the operation of memory care units.

REPORTED-AMENDED SUBSTITUTE

**SENATE CONCURS IN HOUSE
AMENDMENTS****SB 232****DEATH DESIGNATION DEEDS (Bacon, K.)**

To amend the law related to transfer on death designation deeds and affidavits.

30-0

GOVERNORS APPOINTMENTS CONFIRMED BY THE SENATE

RICHARD ROSS, BOWLING GREEN STATE UNIVERSITY BOARD OF
TRUSTEES. VOTE: 22-9

REFERRED

Government Oversight & Reform

HB 476

STATE CONTRACTING (Schuring, K.)
To prohibit a state agency from contracting with
a company that is boycotting Israel or
disinvesting from Israel.

COMMITTEE HEARINGS

Financial Institutions

SB 355

LOAN ACT (Peterson, B.)
To create the Ohio Consumer Installment Loan
Act.
CONTINUED

Criminal Justice

HB 172

CRIMINAL RECORDS (Barnes, J.)
To enact the Fair and Accurate Reporting of
Criminal Records Law, to require certain
business entities that publish criminal record
information to ensure that the information is
complete and accurate, to provide a procedure
by which a subject of published criminal record
information may have incomplete or inaccurate
information corrected or removed from the
publication, and to provide remedies for the
failure of a business entity to remove or correct
incomplete or inaccurate information.

HB 185

ARSON (Koehler, K.)
To eliminate lack of the property owner's
consent as an element of arson when the
property is abandoned real property and to
make the consent of the owner of abandoned

real property an affirmative defense.
On Senate calendar Wednesday

HB 405

IMPORTUNING (Schaffer, T., Smith, K.)
To amend the penalties for the offense of importuning.

HB 439

VOYEURISM (Anielski, M.)
To include an impaired person as a victim of voyeurism and to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance.

HB 521

PAROLE ELIGIBILITY (Manning, N.)
To provide special parole eligibility dates for persons with an indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing.

SB 162

DEATH SENTENCES (Seitz, B., Williams, S.)
To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

SB 237

DRUG VOLUME (LaRose, F.)
To provide that five milligrams or more of fentanyl or an amount equal to or exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug

abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

SB 265**CASINO OPERATORS (Seitz, B.)**

To specify that the criminal penalty related to casino operators and employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

SB 316**SEXUAL IMPOSITION (Hughes, J.)**

To increase the penalty for sexual imposition when the offender previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses.

Health & Human Services**HB 216****NURSES (Pelanda, D.)**

To revise the law governing advanced practice registered nurses.

REPORTED-AMENDED SUBSTITUTE

HB 285**PRESCRIPTION REFILLS (Sprague, R.)**

To authorize pharmacists to dispense multiple refills of a prescription simultaneously under certain circumstances.

REPORTED (No testimony)

HB 290**TERMINAL PATIENTS (Sprague, R., Anielski, M.)**

To permit a physician to treat a terminally ill patient with a drug that is not approved by the United States Food and Drug Administration and permit a drug manufacturer to provide such a drug to the patient or physician.

REPORTED-AMENDED

HB 505**BIOLOGICAL PRODUCTS (Huffman, S., Pelanda, D.)**

Regarding the regulation of biological products and the substitution of interchangeable biological products when dispensed by pharmacists.

REPORTED-AMENDED

SB 42**OUTPATIENT TREATMENT (Beagle, B.)**

Regarding minors and outpatient mental health

treatment.

REPORTED (No testimony)

Agriculture

HB 444

ALCOHOL SAMPLES (Blessing, L.)

To allow certain D liquor permit holders to provide free tasting samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder.

SB 151

DOGS LAW (Beagle, B.)

To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law.

SB 271

POLICE ANIMALS (Gentile, L.)

To authorize a law enforcement officer to purchase a police dog or horse for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency.

Transportation, Commerce & Labor

HB 341

TRANSPORTATION LAWS (Young, R., Sweeney, M.)

To require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law.

CONTINUED

HB 436

DUI SENTENCES (Cupp, R., Rogers, J.)

To authorize a judge that grants limited driving privileges to a second-time OVI offender to order

the termination of the mandatory immobilization order.

CONTINUED

HB 455

BOARDING SCHOOL ZONE (Patterson, J., Roegner, K.)

To authorize a municipal corporation or township to establish a boarding school zone and a special speed limit within that zone.

CONTINUED

HB 532

REAL ESTATE SALES (Smith, R.)

Relating to real estate brokers and salespersons.

REPORTED

SB 345

LICENSE PLATE (Jones, S.)

To create the Conquer Childhood Cancer license plate.

CONTINUED

SB 361

LICENSE PLATE (Thomas, C.)

To create the "Triple Negative Breast Cancer Awareness" license plate.

CONTINUED

SB 363

LICENSE PLATE (Oelslager, S.)

To create the "Buckeye Corvette" license plate.

CONTINUED

Ways & Means

HB 12

TIF CREATION (Butler, J., Burkley, T.)

To establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response.

CONTINUED

HB 415

LINKED DEPOSITS (Schuring, K.)

To create the business linked deposit program, to permit credit unions to participate in that program, to permit credit unions to participate in

the agricultural linked deposit program, and to make other changes to the linked deposit law.
CONTINUED

SB 21

EARNED INCOME TAX CREDIT (Skindell, M.)
To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2015.
CONTINUED

SB 246

AGRICULTURAL LAND (Hite, C.)
To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type.
CONTINUED (No testimony)

SB 302

PROPERTY TAXES (Schiavoni, J., Gentile, L.)
To exempt from property taxation the primary residence of military veterans who are disabled.
CONTINUED

SB 374

UNEMPLOYMENT COMPENSATION (Peterson, B.)
To increase the taxable wage base under the Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law.
CONTINUED (See separate story) (Also referred to Ways & Means)

Civil Justice**HB 63**

CHILD ABUSE REPORTING (Pelanda, D., Grossman, C.)
To require mandatory reporters of child abuse or neglect to notify the county public children services agency when an attorney in fact under

a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child.

HB 235**CCW LICENSES (Terhar, L.)**

To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience.

HB 432**ESTATE LAW (Cupp, R., Rezabek, J.)**

To revise the law governing decedent's estates by making changes in the Ohio Trust Code, the Probate Law, the Uniform Principal and Income Act, the Transfers to Minors Act, and the Uniform Simultaneous Death Act.

HB 451**PROTECTION ORDERS (Boose, T.)**

To provide that an individual's statutory priority to decide whether or not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding.

HB 463**MORTGAGE FORECLOSURES (Dever, J.)**

To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions.

HB 493**CHILD ABUSE REPORTING (Sears, B., Ryan, S.)**

To make changes in the child abuse and neglect

reporting law.

SB 268

EMPLOYMENT LAW (Seitz, B.)

To modify Ohio civil rights laws related to employment and the statute of limitations for other specified claims against an employer.

SB 301

PREGNANCY ACCOMMODATIONS (Jones, S., Cafaro, C.)

To enact the "Pregnancy Reasonable Accommodation Act" to generally require employers to make reasonable accommodations for employees who are pregnant or breastfeeding.

SB 358

DIGITAL ASSETS (Oelslager, S.)

To adopt the Revised Uniform Fiduciary Access to Digital Assets Act.

Government Oversight & Reform

SJR 2

CONGRESSIONAL REDISTRICTING (LaRose, F., Sawyer, T.)

Proposing to enact Sections 1, 2, 3, 4, 5, 6, 7, and 8 of Article XIX of the Constitution of the State of Ohio to revise the redistricting process for congressional districts.

CONTINUED

HB 48

FIREARMS (Maag, R.)

To extend to handguns affirmative defenses to a charge of carrying a concealed weapon or having or transporting a firearm in a motor vehicle, and to modify the prohibition against carrying a concealed handgun onto institutions of higher education, places of worship, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones.

CONTINUED (See separate story)

HB 347

CIVIL FORFEITURES (McColley, R., Brinkman, T.)

To modify the laws governing criminal and civil asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit

the state to file a civil action against the person who allegedly committed that offense under certain circumstances.

CONTINUED-AMENDED

HB 471

COMMISSION ELIMINATION (Brown, T.)

To formally abolish certain boards and commissions that have completed their work and to abolish the Compact with Ohio Cities Task Force.

CONTINUED-SUBSTITUTE

SB 336

USED TIRES (Hite, C., LaRose, F.)

To prohibit the installation of unsafe used tires on certain motor vehicles.

CONTINUED

SCR 7

REBEL FLAG (Tavares, C., Thomas, C.)

To urge the powers of the governments that continue to make issuances containing the rebel flag to discontinue this practice, to urge the powers of the governments that fly the rebel flag or any flag containing imagery of the rebel flag on public property to remove those flags in question, to urge the powers of governments that have official state flags that contain imagery derived from the rebel flag to commence in the process of redesigning the official state flag immediately, to urge South Carolina's General Assembly to direct removal of the rebel flag from state property, and to urge Ohio retailers to remove from inventory any rebel flag merchandise.

CONTINUED

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OHIO REPORT WEDNESDAY, NOVEMBER 30

**Senate Passes Bill Encouraging Drug Treatment For Pregnant Women
After Adding \$2 Million For Opioid Programs**

Bill To Bolster Caregivers Among Measures Passed By Senate

**Senate Amendment Allows DRC To Move Ohio Inmates To Private Prison,
Eliminates Cost-Savings Requirement**

**House Committee Amends, Reports Energy Freeze Bill After Seven-Hour
Hearing**

**Business Groups Back Unemployment Overhaul Bill; Senate Fields
Testimony On Companion Measure**

**Divided Senate Committee Reports Bill Aimed At Cracking Down On
Drug Abusers**

**Proposed Changes To State's Discrimination Laws Please Business,
Concern Others**

Senate Panel Vote On Civil Forfeiture Bill Expected Next Week

**Opponents: Allowing Guns On Campuses Would Increase Risk Of
Violence**

Sunset Review Measure Blasted

Pelosi Easily Fends Off Bid From Ryan For Leadership Of U.S. House Democrats

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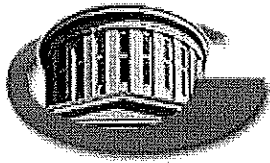
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Volume #85, Report #230 -- Wednesday, November 30, 2016

Senate Passes Bill Encouraging Drug Treatment For Pregnant Women After Adding \$2 Million For Opioid Programs

A bill aimed at encouraging pregnant women with drug addictions to seek treatment passed the Senate Wednesday with added funding for programs designed to fight the state's drug problem.

The Senate unanimously approved the bill (HB 325) after adopting an amendment to allocate \$2 million in unobligated General Revenue Fund money to the Department of Mental Health and Addiction Services.

"The amendment would give priority to programs that already exist and that can provide a template that can be scaled statewide," said Senate Minority Leader Joe Schiavoni (D-Boardman), who offered the amendment.

Sen. Schiavoni said the opiate problem is significant and affects every corner of the state, and he said he hoped the General Assembly would make it the top priority next year.

Sen. Bill Coley (R-Liberty Twp.), whose Government Oversight and Reform Committee reported the bill earlier Wednesday, said the bill, which would encourage pregnant women to enter treatment for an addiction in the first 20 weeks of their pregnancy, would be one step toward improving the state's drug abuse problem.

"I think we've come up with a good bill that can do some good for a lot of Ohioans," he said.

The House will have to concur on the Senate's amendments before the bill heads to the governor.

Committee Action: The Government Oversight and Reform Committee reported the bill Wednesday after adopting three amendments.

One amendment, suggested by a children's crisis facility that maintains Schedule II substances, would ensure security personnel would be able to maintain firearms while on the grounds.

An amendment brought by the Ohio Judicial Conference and state agencies would clarify that a mother can make an affirmative representation on meeting the 20-week requirement. Another amendment from the Judicial Conference gives judges the ability to hold a complaint in abeyance while the mother completes treatment, and allows the judge to dismiss the complaint if the mother completes recovery or if the court is satisfied of the mother's intent.

Kelly Smith, the state program and policy director for the Mental Health and Addiction Advocacy Coalition, said the provision that prohibits the child welfare agencies from filing a complaint for using a controlled substance while pregnant if the mother enters into treatment by the 20th week could stigmatize women from seeking treatment after that period.

"Women typically aren't sure they are pregnant until after the second month," she said. "This gives those women about three months to understand they are pregnant and to make a life-changing decision to seek treatment. Even if they are able to fight the addiction and seek treatment early enough, wait lists can complicate the process and push them beyond the 20-week deadline at no fault of their own."

She encouraged the committee to amend the 20-week language be amended to say "any time during pregnancy" or be removed altogether.

A number of advocacy organizations, including the Public Children Services Association of Ohio, the Salvation Army Harbor Light Complex and the Ohio Community Corrections Association, submitted written testimony in support. Full testimony is available on the committee's [website](#).

Nancy Rosenbloom, director of legal advocacy for National Advocates for Pregnant Women, expressed opposition in written testimony, citing the effect of Tennessee's "Safe Harbor Law" in that state. The bill could lead to counterproductive prosecutions for women who use narcotics during pregnancy, she said.

"We ask that the members of this committee vote against House Bill 325 and instead support a non-punitive health care approach to addressing substance use and pregnancy that increases funding, access to treatment and confidentiality in treatment," she wrote.

Bill To Bolster Caregivers Among Measures Passed By Senate

The Senate passed a handful of bills Wednesday, including measures to help caregivers of older Ohioans and to allow the state to sell surplus property

A bill (SB 314) sponsored by [Sen. Peggy Lehner](#) (R-Kettering) would allow Ohioans over the age of 55 to designate caregivers when they are admitted to the hospital, and allow those caregivers to take part in their discharge planning.

The state has more than 1.7 million caregivers, normally spouses, partners or adult children, who provide unpaid care to Ohioans. Allowing these caregivers to participate in discharge planning will help older Ohioans better follow care instructions and reduce hospital readmissions.

"When the hospital plans to discharge a patient who has a caregiver designation, the hospital will contact the caregiver and invite them to take part in the discharge plan," Sen. Lehner said. "By having a caregiver there to take down these instructions and learn it, you can significantly reduce the amount of readmissions to the hospital."

The Senate voted unanimously to approve a bill (SB 364) that would allow the Department of Administrative Services to sell or convey a number of properties.

The bill was amended in the Government Oversight and Reform Committee earlier in the day to remove agricultural property owned by the Department of Rehabilitation and Correction.

"There were some concerns of the members whether or not that property might be needed," [Sen. Bill Coley](#) (R-Liberty Twp.), the committee chairman, said after the meeting Wednesday morning. "Some were just concerned that maybe it would be better for DRC to enter into a long-term agricultural lease on the property instead of selling it at this time."

A bill banning bestiality (SB 195) passed 31-0, with sponsor [Sen. Jim Hughes](#) (R-Columbus) saying the Internet has made it easier for people to find and acquire animals for sexual purposes. Ohio is one of just 11 states without an anti-bestiality law, he said, and the bill would also prohibit someone from knowingly organizing, aiding or abetting in the activity.

[Sen. Jay Hottinger](#) (R-Newark) said the Federal Bureau of Investigation has noted trends between those who commit sexual acts on animals and those who become sex offenders or other violent criminals.

"Those engaging in such acts are engaging in other deviant behavior not only against animals, but also against human beings," he said.

Senators also approved a bill ([SB 317](#)) that would update the state's banking law. Among other provisions, the bill would provide for a single bank charter under which banks, savings and loan associations and savings banks could exist, Sen. Hughes said.

A measure ([SB 288](#)) dealing with the regulation of pass-through financial entities also passed without opposition. [Sen. John Eklund](#) (R-Chardon) said the most important element of the bill was that it lowered the tax rate at which investment entities remit taxes on investor income to the rate that would apply if the investor filed individually.

The chamber concurred in House amendments to a bill ([SB 232](#)) dealing with death designation deeds.

The Senate passed a bill ([HB 440](#)) to designate the Saturday before Thanksgiving as Ohio Survivors of Suicide Loss Day, and a bill ([HB 325](#)) designed to encourage pregnant women to seek treatment for drug addiction (*See separate story*).

Senators also voted to refer a measure ([HB 476](#)) to bar state agencies from contracting with companies boycotting Israel or divesting from the nation directly to the Government Oversight and Reform Committee.

Senate Amendment Allows DRC To Move Ohio Inmates To Private Prison, Eliminates Cost-Savings Requirement

The Senate plans to take up a measure in Thursday's session that includes an amendment allowing the state to contract with a Youngstown private prison to house inmates.

The amendment was added to a bill ([HB 185](#)) that would eliminate the lack of the property owner's consent as an element of arson.

The Senate Criminal Justice Committee soon after reported the bill along party lines, with Democrats opposed to the change. [Sen. Jim Hughes](#) (R-Columbus) ultimately voted for the bill after joining Democratic efforts to shoot down the amendment.

The measure was up for a vote on the Senate floor later in the day, but was informally passed twice.

The latest version of the measure would allow the Department of Rehabilitation and Correction to enter negotiations and contract with prison facilities that are operated by private firms.

Chairman [Sen. John Eklund](#) (R-Chardon) said the amendment would give the agency the option to work with Corrections Corporation of America, which owns of the private Northeast Ohio Correctional Facility, to house state prisoners.

In December 2014, the prison lost its Federal Bureau of Prisons contract to house federal inmates, but currently accommodates prisoners through a contract with the U.S. Marshals Service. (See [Gongwer Ohio Report, December 29, 2014](#))

"There are unused beds in Youngstown and DRC and Director (Gary) Mohr would very much like to propose the opportunity to house some of their inmates there" to address overcrowding in the state prison system, Sen. Eklund said.

Under current law, private prisons can operate in the state so long as they do so on a budget that's 5% less than state facilities. The amendment waives that requirement for private prisons that assist in reducing the overall density of Ohio's facilities.

"Reducing the overall population density in the state of Ohio is a very positive thing," Sen. Eklund said. "It could save the welfare of those individuals who are working in those facilities."

DRC spokeswoman JoEllen Smith echoed the positives that could come from increased prison capacity.

"The bill acknowledges that density reduction is important to operating a correctional system," she said in an email. "Expanding bed capacity results in decreased density, which is correlated to increased staff and inmate safety, and we are open to any discussions to help us achieve this important goal."

State prisons currently house about 50,700 inmates, Ms. Smith said. The agency doesn't calculate capacity because there is no national standard for how many prisoners can be accommodated.

Sen. Michael Skindell (D-Lakewood) said he's "deeply concerned" about changing the 5% requirement.

"I believe that this has significant policy changes that the ramifications of which are not fully explored and this is an amendment that should take a more deliberative process and should not be put into a bill where we have just been handed the language on this," he said.

A Democratic amendment that could allay that concern wasn't prepared in time for Wednesday's session, hence the bill's informal passage. It is expected to be proposed when the bill once again comes up for a full chamber vote on Wednesday.

Ohio Civil Service Employees Association President Christopher Mabe said the union has been meeting with lawmakers and urging them to remove the portion of the amendment that makes changes to the 5% savings requirement.

"I appreciate the department's efforts in trying to heed some of the overcrowding in our system, but we still have to retain good responsibility to the taxpayers," he said in an interview.

Details on possible negotiations between the state and the prison owner and what a partnership would look like if the bill becomes law remain to be seen.

Corrections Corporation of America spokesman Jonathan Burns said the company is "not in a position to speak to plans state officials may be contemplating for managing the state's inmate population."

House Committee Amends, Reports Energy Freeze Bill After Seven-Hour Hearing

Members of the House Public Utilities Committee on Wednesday amended and reported a bill to resume the state's energy standards, clearing the way for a vote on the House floor as early as Tuesday.

But first they received several hours of testimony - aside from two short caucus breaks - from opponents who fear the bill's (HB 554) approach to implementing the standards as unenforceable goals until a cumulative, three-year benchmark kicks in in 2020 will push Ohio further behind other states.

"I feel like a lot of you have already made up your minds about how to vote on this bill," Apex Clean Energy Development Manager Sarah Moser, an opponent, told lawmakers, adding that her company is prepared to invest \$2.4 billion in the state should the standards fully resume.

The committee accepted three amendments, each from sponsor Rep. Ron Amstutz (R-Wooster), including language:

- Providing that a utility company applying banked energy efficiency savings or banked peak demand reductions to achieve compliance with the benchmarks may receive shared savings for that compliance year provided that: it did not previously receive such savings and it is using only as much banked savings or reductions as necessary to meet, and not exceed, the standards.
- Clarifying the bill's intent that a report on compliance to be made available by the Public Utilities Commission of Ohio to the public is the same report the commission must provide the General Assembly.
- Replacing the word "requirements" with the word "provisions," in a corrective amendment from the Legislative Service Commission.

Ultimately, the committee reported the bill by a 12-5 mostly party line vote. The exception was Rep. David Hall (R-Millersburg) who broke ranks with Republicans in voting against the bill's passage out of committee.

"With the changes with the Trump administration, I think we might need to look at pausing depending on what the feds are going to do," he said in an interview when asked about his vote.

Rep. Hall also voted with Democrats in attempting to prevent the tabling of an amendment from Rep. Kent Smith (D-Euclid) to allow local municipalities to establish their own setback requirements for wind turbines.

A handful of witnesses testified lawmakers should eliminate the 2014 law setting the minimum distance between wind turbines and neighboring property at 1,125 feet - a move energy advocates say stalled the state's wind development.

"This is a Republican amendment in respect that this is essentially HB 190, sponsored by two Republican members," Rep. Smith said in making his case to colleagues.

Chairman Rep. Mike Dovilla (R-Berea) said he was "sympathetic" to Rep. Smith's intent, before moving to table the item. "Recognizing the environment right now and the situation in our partner chamber and the position that's been taken on this issue, I question the advisability of taking action on this issue," he said.

In addition to Rep. Smith's failed amendment, the committee also tabled an amendment from Rep. Mike Ashford (D-Toledo) that would have reinstated the mandates and their compliance measures in full.

"We heard today from at least 20 different business people, investors, and consumers that talked about the need of making sure we replace those requirements to give them the confidence so they can continue to invest in this industry for the next three years," Rep. Ashford said. "Who says that in two years this body won't come back and pass another freeze? There's no guarantee."

Rep. Dovilla moved to table the amendment, saying that the initial benchmarks passed in 2008 as a last-minute addition to a much broader bill. "I think we can say with some degree of objectivity those standards were not very thought out," he added.

Much of Wednesday's House testimony mirrored that previously shared with the Senate Energy & Natural Resources Committee during a Tuesday evening hearing that likewise stretched several hours. (See Gongwer Ohio Report, November 29, 2016)

Dozens of opponents argued the removal of compliance measurements for the first three years mark a de facto continuation of the freeze, which they said could cost more jobs and put Ohio further behind other states.

"This bill would be a clear market signal to us, quite frankly, that Ohio is not interested in utility-scale solar and renewable energy," First Solar Director of Regulatory and Public Affairs Colin Meehan said. "We would have to make any decisions on where to focus our resources and development taking that into account."

The Ohio Chamber of Commerce, Industrial Energy Users-Ohio, the Ohio Farm Bureau Federation, and Brakey Energy testified in support of the bill.

"At customers' expense, Ohio's electricity portfolio mandates pick winners and losers based on expectations that existing in 2007 and 2008," argued IEU-Ohio General Counsel Sam Randazzo, who commended the bill's expansion of the streamline opt-out provision.

Director of Energy and Environmental Policy Zach Frymier reiterated the group's support. Although some local chambers of commerce have testified in opposition to the goal-based approach, the state chamber has supported the idea as a way to forestall compliance costs for businesses.

"Doing nothing would simply allow the mandates to back into place and would damage our state's economic climate and the ability of businesses to create jobs," Mr. Frymier said. "Removing the uncertainty over this issue

is absolutely critical to growing our economy."

Lawmakers have questioned recent PUCO data they say shows the state has already met the frozen standards. Opponents, however, say the data shows only that enough eligible resources exist to meet the standards but that utility companies are not purchasing those resources because of the ongoing freeze. Those resources, they say, are instead being bought up by companies in other states.

Ohio citizen Judy Rosman said state policy in recent years has devalued her family's decision to power their home with solar energy. Additionally, her daughter, now studying renewable energy engineering at MIT, has found very few Ohio jobs available in the industry as those jobs head to other states.

"She can find plenty of work in other states, which have a strong renewable portfolio standard, including other states which, like Ohio, have a lot of cold and cloudy weather, including New Jersey, New York, and Massachusetts, which are three of the top ten states in the US for solar energy," she said.

Rep. Brian Hill (R-Zanesville) said he understands and respects Ms. Rosman's desire to have children return home after school. "I want my children back as well. And in eastern Ohio, coal is king," he said, positing that without the mandates solar and renewables sources would not be competitive against coal and nuclear power.

"The mandates absolutely drive up the market - that is absolutely true," Ms. Rosman replied. "And that's why I'm here. I think we need to create the market for that."

"So it's fair to say all my children should subsidize all your children so they can have jobs in Ohio," Rep. Hill asked.

"I don't think subsidy is exactly the right word," she said. "I think creating a standard allows for innovation. It creates job opportunities. It's very possible your children's business opportunities will be much better tomorrow than they will today because of the creation of new industries in Ohio."

Of the two bills, the Senate version (SB 320) remains the broadest in scope. Provisions the Senate version contains that are absent from the current House version include (Comp Doc):

- Removing the requirement the PUCO review compliance annually, while the House version keeps true requirements for the years 2021-2022, and 2024-2025.
- Setting the amount of the noncompliance payment for nonsolar renewable energy requirements at \$25 per credit rather than an amount that must be at least \$45 per credit and adjusted annually to reflect changes in the Consumer Price Index.
- Repealing language allowing the PUCO to increase, without legislative action, amounts of noncompliance payments for nonsolar and solar requirements.
- Requiring the energy intensity reductions from plans, policies, behaviors and practices to count toward meeting energy efficiency requirements rather than renewable energy requirements.
- Permitting energy efficiency savings and peak demand reduction programs to include energy intensity reduction resulting from heat rate improvements at electric generating plants and prohibits associated energy efficiency and peak demand reduction from qualifying for shared savings.
- Requiring the PUCO to recognize and count energy efficiency savings and peak demand reductions occurring as a consequence of consumer reductions in water usage and wastewater treatment improvements.
- Requires the PUCO to recognize and count on a British-thermal-unit-equivalent basis nonelectric energy efficiency savings or nonelectric peak demand reductions occurring as a consequence of a portfolio plan.

- Prohibiting the OEPA, PUCO or any state agency from awarding, allocating, assigning or transferring any CO2-emission allowance or emission-rate credit and prohibits the implementation, but not the development, of a trading program or plan premised on an allowance system.
- Declaring that the Clean Air Act does not expand OEPA authority and prohibits the agency from regulating or ordering electric dispatch protocols, any specific levels of natural gas utilization, the acquisition of renewable energy, or any person or entity to achieve any energy efficiency savings or peak demand reduction.
- Several additions to the list of renewable energy resources fuel from solid wastes through combustion.
- Defining "energy intensity," while repealing the definition applying to customer-opt-out provisions.
- Adding policy to encourage EDUs to make available "meaningful and cost-effective" energy savings programs.
- Requiring the PUCO to report recommendations within two years on the feasibility of other constructs for EDUs to fairly participate in distributed-generation opportunities, incentivizing smart thermostats, and investigating market-based certification for energy efficiency.

Business Groups Back Unemployment Overhaul Bill; Senate Fields Testimony On Companion Measure

Business interests on Wednesday urged the swift passage of legislation designed to overhaul the state's unemployment compensation system.

Representatives of the Ohio Chamber of Commerce, the National Federation of Independent Business/Ohio and the Ohio Manufacturers' Association told members of the House Government Accountability & Oversight Committee that the legislation (HB 620) will allow the state's employers to avoid a tax increase that would be imposed if the system is not made solvent.

Companion legislation (SB 374), meanwhile, received its first hearing in the upper chamber on Wednesday.

The bills, which are the byproduct of a joint legislative committee, include:

- An increase in the taxable wage base from \$9,000 to \$11,000
- A freeze on the maximum weekly benefit amounts until the fund is at or above Minimum Safe Level
- An elimination of dependency classes for weekly unemployment benefit amount determinations
- An extension of limitation periods on the collection of overpayments
- A requirement that members to the Unemployment Compensation Advisory Council be appointed and meet
- The intention to adopt a joint resolution to submit to the electors of Ohio a proposal to allow the state to issue bonds to repay debt incurred by the unemployment compensation system
- A reduction in the maximum number of benefit weeks from 26 to 20, based on the unemployment rate

Chris Ferruso, legislative director for the NFIB/Ohio, told members of the panel that the measure "strikes a balance between revenue and benefits" and could save Ohio businesses a future tax increase.

Lawmakers in May passed legislation (HB 390) to retire the state's federal unemployment debt, but the legislation came with a provision that would levy a tax on businesses in the event of future borrowing from the federal government.

"These triggers were put into House Bill 390 as a means to keep pressure on the General Assembly to enact solvency legislation and not simply let the repayment of the loan be the only action taken," he said. "Ohio's unemployment system has been structurally imbalanced for years. The opportunity to fix our system, like other states have done, is now. Ohio employers must not be expected to be saddled with punitive tax increases as a result of legislative inaction. Some are urging to put this off until next year, for our small businesses, for all of our businesses, immediate action is needed."

While also raising concern about the potential tax increase on businesses, Rob Brundrett, director of public policy services for the Ohio Manufacturers' Association, applauded lawmakers' intention to change the state's constitution to allow for bonded debt to avoid borrowing from the federal government during times of high unemployment.

Eight states, he said, bonded debt to cover the cost of unemployment benefits during the Great Recession.

"By bonding the debt, the states were able to take advantage of lower interest rates, saving the states and employers money," Mr. Brundrett said.

Asked by Rep. Michael Curtin (D-Marble Cliff) whether the business organizations would be willing to help with the effort to get voters to approve the constitutional amendment, Don Boyd, director of labor and legal affairs for the Ohio Chamber of Commerce, said that will depend on what shape the proposal takes. He added that generally his organization would be supportive.

"Having another option to handle this issue...is something we would be willing to explore and most likely help with," he said.

Mr. Boyd told the committee that the bill is a balanced approach that forces both business and labor to sacrifice to bring solvency to the system.

"Benefit payouts and employer contributions are out of alignment. While neither business nor labor directly caused the problems with Ohio's unemployment insurance trust fund, a balanced solution that addresses both sides of the equation - how much taxes employers pay into the system as well as how much is paid out in benefits - is necessary. HB 620 does just that," he said.

Asked by Rep. Jim Butler (R-Oakwood) whether the legislation would result in a net tax increase or decrease for employers, the three business representatives said that would be hard to determine because it is an experience-based system.

Senate Hearing: Sen. Bob Peterson (R-Sabina), sponsor of the Senate version of the proposal, delivered sponsor testimony in his Ways & Means Committee and fielded questions from Democratic lawmakers concerned about its impacts.

"It's goal is to get us to solvency," probably within 7-12 years, he said. Bill crafters tried to "find a balance" between decreased benefits and increased contributions.

Sen. Charleta B. Tavares (D-Columbus) questioned where the input from the bill came from in recent weeks and opined that the resulting product appeared skewed toward the benefit of employers. She suggested a better balance could shorten the time frame for reaching solvency, which the sponsor said was defined in the bill as a "minimum safe level" factor of 0.75 for the UC insurance fund based on a historical benefit formula.

"It seems to me all the upsides of this bill go to the employer versus the unemployed," she said, asking why there is "so much burden" placed on the unemployed and "why aren't we working to reach solvency a little quicker."

Sen. Peterson pointed to the 20% increase in taxable wage base on employers in responding: "I think there is some balance. There is pain on both sides."

Nevertheless, Sen. Tavares said, "We've known about this for years and we just keep taking incremental steps or patches."

The sponsor said a key component of the bill in that regard is "re-empowering" the UC council, which will help the state stay on top of the issue.

Sen. Capri Cafaro (D-Hubbard), a UCAC member for years, asked how the minimum safe level was derived and requested more information on "what cooks were in the kitchen" during those discussions.

Sen. Peterson said lawmakers and interested parties looked at multiple states, Ohio's history and projected outcomes. "This is the formula we felt was the best fit," he said.

The sponsor was asked by Sen. Sandra Williams (D-Cleveland) about a scenario in which a benefits recipient gets to the end of a 20-week benefit cycle and the unemployment rate increases enough to qualify a new enrollee for a longer period of benefits under the bill.

The sponsor said the benefit period would likely be determined by the rate in place when the beneficiary enrolled, but that such details could ultimately be determined by rule.

Sen. Bob Hackett (R-London) said the state should start replenishing a UC fund surplus while the economy is fairly stable, pointing out that the depth of the 2008 recession took everyone by surprise.

"We're still digging out of that hole," he said.

Divided Senate Committee Reports Bill Aimed At Cracking Down On Drug Abusers

A split Senate committee on Wednesday voted to advance a measure that's aimed at addressing the opioid epidemic by increasing mandatory sentences for possession and trafficking.

The Senate Criminal Justice Committee voted along party lines to report the bill (SB 267), with Democrats objecting amid concerns that it runs counter to larger efforts to provide more judicial discretion and rehabilitate drug offenders rather than incarcerate them.

The legislation puts lower totals on how fentanyl or carfentanil an individual can be in possession of to be charged with an offense. A substitute bill approved in committee adjusts totals so that they're measured in amounts not quantified by a base.

An amendment to the updated version imposes mandatory 3-8 years sentences on top of other drug possession or trafficking charges major drug offenders face.

Kari Bloom, legislative liaison for the Ohio Public Defender's Office, opposed the measure, saying that it goes against Ohio Criminal Justice Recodification Committee plans to recommend reducing mandatory sentences at a time when prisons are over capacity.

She said the bill does nothing to address the drug epidemic in the state because such moves that have been taken in the past to fight against addiction have been unsuccessful.

"It does not matter if you threaten them with prison and mandatory time. It is not deterrent and we know that because we have been doing it and we have full prisons and we still have a drug epidemic so I would ask you to keep all those things in mind when you're deciding how to vote for your community on this bill," Ms. Bloom said.

Sen. Cecil Thomas (D-Cincinnati), who serves on the recodification committee, said he couldn't vote for the measure because of similar concerns.

"It appears we're going in a different direction than what we intended to do with the recodification committee. I find it hard to go in the opposite direction that we had worked so hard to go in," he said.

Chairman Sen. John Eklund (R-Chardon) said he doubts there will be definitive recommendations from the committee soon and more needs to be done immediately to quell drug use in the state.

"The point of this bill is the fact that we are facing an epic proportion problem with fentanyl and carfentanil that is killing people daily and we are eager to get underway to get it done," he said.

Meanwhile, Dan Acton, government affairs director for the Ohio Real Estate Investors Association, supported the measure.

He applauded an amendment added in the spring that that would ensure landlords and other property owners would not be charged with permitting drug abuse on their properties unless they knowingly allowed it to happen.

"We have a legal duty to respect the privacy of the tenants and cannot and should not monitor their every movement," Mr. Acton said. "However, our members do maintain a level of due diligence by talking with neighbors and working with law enforcement, if necessary, to keep tabs on our investments."

He said knowing whether potential tenants have trouble with the law or superficially drugs in the past has become more difficult by federal guidelines that prohibit landlords from refusing to rent to individuals with criminal records.

Proposed Changes To State's Discrimination Laws Please Business, Concern Others

A bill designed to overhaul the state's employment discrimination laws drew both praise and scorn Wednesday.

The measure (SB 268) was hailed by business groups for its ability to lessen costly litigation and record keeping while opponents said it will facilitate discrimination.

The bill would create a one-year statute of limitations on all employee discrimination claims and eliminate individual statutory liability for managers and supervisors. A provision to cap non-economic and punitive damages based on the size of the employer was removed from the legislation through a substitute bill, which Sen. Kevin Bacon (R-Minerva Park) was largely meant to placate critics of the measure.

The legislation would also end the ability to simultaneously file a civil lawsuit and a claim with the Ohio Civil Rights Commission and provide employers with an affirmative defense if they can prove they had effective discrimination policies that employees were educated about.

The bill also makes age discrimination claims uniform with all other discrimination claims.

Don Boyd, director of labor and legal affairs for the Ohio Chamber of Commerce, told members of the Senate Civil Justice Committee that current law has hurt businesses in the state.

"Businesses in Ohio are hampered by the longest statute of limitations in the country for employment discrimination claims. This creates costly recordkeeping expenses for businesses and prevents timely, fair, and efficient resolution of claims for both employers and employees. Businesses are also forced to simultaneously defend themselves before both the OCRC and in civil court," he said. "Finally, supervisors are forced to second-guess otherwise-sound management decisions for fear of being held personally liable in a lawsuit."

Attorney Tony Fiore, who testified on behalf of the Society for Human Resources Management, told the panel that said many of the state's civil rights laws are duplicative, making it difficult for HR professionals to navigate.

"Every employment law should strike the right balance between employee rights and employee obligations," he said. "When the pendulum swings too far toward employee rights, as it did in the 1990s with several bad Ohio

Supreme Court decisions, balance must be brought back to the system. SB268 strikes an appropriate balance between employers and employees."

However, other were highly critical of the measure, including Gary Daniels, chief lobbyists of the ACLU of Ohio.

He said a provision that exempts managers, supervisors and anyone else acting in the interest of an employer provides no accountability for discriminatory actions and behavior.

"Individual liability in these situations ideally provides a strong disincentive against many unfair, cruel, threatening and harassing workplace situations," Mr. Daniels said. "It is unfortunate we are debating whether vulnerable Ohioans merit significantly less protection than they currently receive."

Sen. Bill Coley (R-Liberty Twp.) questioned the concern over that portion of the bill. "We don't allow people to sue the guy on the auto assembly line if the product is defective," he said.

Mr. Daniels said current law allows for supervisors and managers to be sued and deemed any changes a weakening of the statute.

Mr. also criticized provisions that would lessen the statute of limitations in discrimination cases and another that exempts completed investigations from public record laws.

Ohio Civil Rights Commission Chairman Leonard Hubert called the measure unnecessary.

"Let us be on record that from our perspective, this bill is unwarranted. The Ohio Civil Rights Commission is unaware of any current pervasive problems with our process or procedures which would be solved by the provisions of this bill," he said. "While it is true, Ohio's employment discrimination law is not parallel to federal employment law in every way, our laws tend to be stronger and offer additional protections for Ohioans. This should be a point of pride and we have no reason to believe that it causes great confusion or miscarriages of justice."

In response to a question from Sen. Edna Brown (D-Toledo) about the provision that would exempt completed investigations from public record law, Mr. Hubert said he does not understand the rationale behind it.

Fred Gittes, legislative counsel at the Ohio Employment Lawyers Association, said that the legislation is "unjust."

Sen. Coley, however, took issue with his testimony. He said that during a past effort to change the state's discrimination laws, Mr. Gittes deemed the proposal the "Sexual Predator Protection Act."

Senate Panel Vote On Civil Forfeiture Bill Expected Next Week

A bill dealing with the state's civil forfeiture laws is expected to move out of a Senate committee next week after being amended Wednesday.

The bill (HB 347) would place limitations on law enforcement and prosecutors' ability to use civil forfeiture to seize assets of suspected criminals who have not been convicted of a crime.

The Senate Government Oversight and Reform Committee accepted an amendment incorporating a number of concerns expressed by the Ohio Prosecuting Attorneys Association.

Chairman Sen. Bill Coley (R-Liberty Twp.) said the bill is slated for a vote next week.

John Murphy, executive director of the Prosecuting Attorneys Association, said the group continues to generally oppose the bill because it would limit prosecutors' ability to deprive criminal offenders, mainly drug dealers, of the ability to commit crimes. He did offer some proposed changes.

Mr. Murphy said he believed the state's civil forfeiture statute was being unfairly maligned, and that the current statute includes provisions to preserve due process.

"We generally believe that the bill is misguided in placing those limitations on civil forfeiture, and as long as that remains in the bill, we will remain an opponent to it," he said.

John Gilchrist, legislative counsel for the Ohio Association of Chiefs of Police, urged the committee to remove part of the bill that requires 10% of amounts from sale of forfeited property or from forfeited proceeds be applied to community addiction services providers.

"If more monies are needed for addiction services, the association asks that it not be taken from law enforcement," he said, citing revenue for law enforcement lost by reduction in funding from the local government fund and other sources.

Sen. Dave Burke (R-Marysville) said he believed diverting some of the money seized from the drug trade to addiction services would help with the overall drug problem.

"I believe that the use of these funds for the purpose of these programs is actually in direct relationship to causation," he said.

Mr. Gilchrist said funding should be separately allocated for addiction services, but it should not come from forfeiture money.

"If that's that important, money ought to be appropriated for it," he said.

Gary Daniels, chief lobbyist for the ACLU of Ohio, said any system in which the government can seize and keep assets of people who have not been convicted of a crime and never will be is "inherently offensive to our most basic rights."

Some of the changes to the bill have forced the ACLU to move from a proponent to an interested party of the bill, he said, but he said the bill does move the state in a positive direction.

"For far too long, authorities have enjoyed a system that mocks justice instead of protecting those who have been merely accused, but never found guilty," he said. "In no way is it a radical notion to require government to firmly establish guilt before taking and keeping homes, cars, bank accounts and other assets."

Robert Alt, president of the Buckeye Institute, testified that the bill arose out of abuses of the civil asset forfeiture statute, a law created to combat piracy.

"I ultimately think that civil asset forfeiture reform is good for both the innocent property owners of Ohio and for law enforcement," he said. "This actually will remove, I think, that stain with regard to how it is that they are perceived to be operating."

He said he opposed reducing the lower limit for assets to be seized from \$25,000 down to \$10,000, as he said it could include more legitimate business owners or others who are often paid in cash.

Opponents: Allowing Guns On Campuses Would Increase Risk Of Violence

Opponents of a bill that would allow colleges and universities to permit concealed firearms on campuses told a Senate panel Wednesday that the policy would only make campuses more dangerous.

Dozens of speakers told the Senate Government Oversight and Reform Committee that the change would increase the likelihood of violence and accidental harm.

Former state Rep. Marian Harris, representing Ohioans for Safe Communities, said the bill would expand the rights of concealed carry permit holders at the risk of possible harm to the majority of Ohioans who don't hold

the permits.

"None of these changes increases the security of Ohioans from gun violence," she said. "On the contrary, by expanding the rights of concealed carry licensees to take guns into more places and reducing penalties for concealed carry violations, the rights of Ohioans to be free of the possible intimidation, accidental loss or discharge, or assault by a concealed carry holder who may lose his or her composure are diminished by this bill."

Committee Chairman Sen. Bill Coley (R-Liberty Twp.) said in some of the areas covered under the bill, gun owners can carry openly, but people with concealed carry permits are not allowed to carry the firearms in a concealed manner.

Ms. Harris said she is aware when people are carrying openly, and can leave or move away if she feels unsafe, while she won't know if someone is carrying a concealed firearm.

Steve Mockabee, a professor of political science at the University of Cincinnati, said the Ohio Conference of the American Association of University Professors opposed the bill because it would introduce more guns onto college campuses and lower the penalty for people who carry firearms in gun-free zones.

"We believe it is important to keep the penalty for carrying in a gun-free zone a felony, so that conceal/carry licensees understand the severity of breaking this important law," he said. "A minor misdemeanor is a slap on the wrist that will not serve as an effective deterrent."

Proponents of the bill testified Tuesday, saying allowing concealed carry permit holders to carry firearms on campus would make colleges safer by deterring people who might want to commit serious acts of violence.

Sen. Coley said he expected to vote the bill out of the committee early next week after considering any amendments.

Rev. Kristine Eggert of South Euclid said she opposed the bill despite it not including churches, saying it was written for the convenience of the 4% of Ohioans who have concealed carry permits.

"It is not a bill that is about safety for all of us who live in Ohio," she said.

Amy Thompson, a professor of public health at the University of Toledo who has studied gun violence, cited statistics showing that students, campus law enforcement and other groups oppose more guns on campuses.

"The bottom line is this: This is not a good idea," she said. "We can't expect that an armed student or faculty member is going to save the day."

John Gilchrist, legislative counsel for the Ohio Association of Chiefs of Police, testified against elements of the bill that would allow concealed carry permit holders to carry in public areas of police stations and reduce the punishment for people who knowingly carry in gun-free zones.

"Police agencies are restricted areas, they are not victim zones, as some of the proponents have described them," he said. "Our chiefs do not want people carrying their handguns into the police station."

Senate President Keith Faber (R-Celina) said he expected police stations to be taken out of the bill, along with secured government buildings.

"I think that's going to be changed," he said after Senate session Wednesday. "I think there's general agreement on that. I think what they're going to do is deal with government buildings that are not otherwise secure."

Katelin Nealieh, president of Buckeyes for Concealed Carry, supported the right to carry on campus but urged lawmakers to remove the opt-in provision, which would allow universities to continue to prohibit people from carrying firearms on campus.

"We can trust licensees," she said. "We shouldn't have to beg university officials to let us exercise our rights."

Full testimony is available at the [committee's website](#).

Sunset Review Measure Blasted

Labor, environmental advocates and others on Wednesday spoke out against a measure that would eliminate a number of state boards and commissions.

The legislation ([SB 329](#)) would allow lawmakers to periodically review cabinet departments and eliminate them through inaction.

Jack Shaner, deputy director of the Ohio Environmental Council, told the panel that his group strongly opposes the elimination of several Department of Natural Resources advisory councils through the legislation.

He said the elimination of those advisory councils - some citizen-driven - will be "a bureaucrat's dream."

"The provisions will deny the public an important opportunity to make suggestions and to help hold ODNR accountable for its operations. More - not less - citizen involvement is better," he told members of the House Government Accountability & Oversight Committee.

Meanwhile in the Senate, members of the Government Oversight & Reform Committee Wednesday added the recommendations of the Sunset panel to a measure ([HB 471](#)) that appears likely to be the vehicle to implement the changes.

Mr. Shaner went on to say that the advisory councils are one of the few opportunities for the public to weigh in on the management of the state's natural resources.

"Ohio's state nature preserves, parks, and wild, scenic and recreational rivers offer unmatched opportunities for the average Ohioan to enjoy the wild and natural beauty of our great state. The public has a vested interest in their care," he said. "The OEC respectfully but vigorously urges the General Assembly to maintain these important avenues for regular citizen engagement and non-regulatory oversight of our priceless public lands and scenic rivers."

Becky Williams, president of the Service Employees International Union District 1199, said in written testimony that the measure has the potential to put jobs in jeopardy by making state agencies subject to the sunset review process.

"The threat of expiration and elimination of not only state departments, but potentially thousands of living wage jobs does not bode well for the workers who have the experience and skills necessary to execute their duties in an efficient manner. This threat also puts incredible stress on workers' families who depend on a stable income," she said.

"Reasonable measures to increase efficiency and eliminate wasteful state spending are acceptable up to the point where employees are faced with unreasonable workload demands and the delivery and availability of vital state services like Medicaid, unemployment compensation benefits and workers' compensation suffer. Many services and programs funded by the federal government may also be at risk considering the requirement that these funds pass through and are distributed by the appropriate state department."

Adam McKenzie, research analyst at the Ohio Civil Service Employees Association, also raised concerns about job loss through the bill.

He said some states have similar review processes, but none goes as far as the Ohio proposal.

"While plenty of other states employ a sunset process for boards, commissions, legislation - and a handful even review cabinet- level agencies-Senate Bill 329 would put Ohio in uncharted waters in terms of the frequency of reviews, the lack of a dedicated review apparatus, the complexity of the renewal process, and lack of executive representation in the process," he said.

Lisa Hamler-Fugitt, testifying on behalf of Advocates for Ohio's Future, said the measure could interfere with "stable program delivery."

"The emphasis of the bill on departments that administer significant state and federal revenues would intensify lobbying and could lead to "Christmas tree" bills laden with changing rules and regulations which would interfere with stable program delivery, she said. "This endangers the programs and services that government provides to protect the health and welfare of the poor, aged, disabled and other Ohioans who live in or close to poverty."

Policy Matters Ohio also provided written testimony in opposition to the measure, saying the uncertainty created by the legislation would "hamper long-term planning and stable growth."

Pelosi Easily Fends Off Bid From Ryan For Leadership Of U.S. House Democrats

U.S. House Minority Leader Nancy Pelosi held off a challenge from U.S. Rep. Tim Ryan (D-Niles) in a caucus vote Wednesday despite unrest over the party's performance in the November election.

The California Democrat prevailed on a 134-63 vote over Rep. Ryan, who had argued that a leadership change was in order based in part on the shifting political winds that propelled Republican Donald Trump into the White House.

Underscoring the longshot nature of the Ohio lawmaker's bid was the fact that he couldn't convince all the state's congressional delegation to back him.

U.S. Rep. Joyce Beatty (D-Blacklick) said she was among Ms. Pelosi's supporters.

"Both Pelosi and my good friend and fellow Ohioan, Congressman Tim Ryan, are strong Democrats, skilled and passionate individuals dedicated to advancing the causes important to all Americans," Rep. Beatty said in a statement. "However, I believe Leader Pelosi is best suited to address the challenges our Caucus and nation will face and ensure that our economy works for everyone."

Rep. Ryan issued a statement congratulating the longtime Rep. Pelosi, saying he looked forward to "working with her to promote a progressive agenda for the country."

"That includes raising wages and creating jobs for working families; protecting the progress we've made for women, minorities, and those in the LGBTQ community; and defending Americans from any President-elect Trump proposal that would threaten their rights or ability to provide for their loved ones," he said.

Rep. Ryan said he sought the top post "because I believe strongly in the promise of the Democratic Party, but November taught us that changes were necessary. Our party's losses showed our Caucus that we needed to have a serious conversation about our path forward and open the door for new reforms and voices in Democratic Leadership."

"I am proud that my bid for Democratic Leader pushed our members to have these tough family discussions about our future and how we win back the majority in 2018. I am also pleased to see that Leader Pelosi will adopt my proposal to expand leadership by creating a position for Freshman members and to bring back the power to the Committees by creating Vice-Chair/Vice- Ranking Member positions."

While stating that "new ideas" and "new voices" were keys to winning back the House, Rep. Ryan said, "it is clear as we learn more about the outcome of our elections that we're ignoring crucial voices that deserve to be

heard."

"The people I represent in Northeast Ohio and the tens of millions of workers across our country are proud to be called blue collar. Democrats must adopt a progressive economic message that focuses on large, direct infrastructure investments, affordable health care, portable pensions, and public-private investments that promote advanced manufacturing," he said. "Hopelessness is a product of economic and social adversity. That is why Democrats must always be the party of aspiration and inclusion."

Ms. Pelosi's immediate reaction to her election was a statement on Twitter.

"Honored to be elected by my colleagues to serve as Democratic Leader. Let's get to work," she tweeted.

Supplemental Agency Calendar


Friday, December 2

Mine Subsidence Insurance Governing Board, 2045 Morse Rd., Building H-2 Conf. Rm., Columbus, 3 p.m.

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House Activity for Wednesday, November 30, 2016

INTRODUCED

HB 622 LICENSE PLATE (Patmon, B.) To create a special license plate for hearing-impaired individuals.
Am. 4503.441

HB 623 NON-BANK ATMS (Patmon, B.) To regulate nonbank automated teller machines. Am. 1181.081

COMMITTEE HEARINGS

Government Accountability & Oversight

HB VOTER REGISTRATION (Clyde, K.) To require that eligible persons in certain government and school **181** databases be automatically registered to vote or have their registrations updated automatically unless those persons decline to do so and to create an online voter registration. (**CONTINUED**; 1st Hearing-Sponsor)

The legislation would automatically add nearly one million voters to the rolls, according to sponsoring Rep. Clyde.

"This bill takes the next step to empower all Ohioans to have a voice in their democracy," she said.

Under the measure, Ohio citizens would automatically be registered when graduating from high school, applying for veterans' benefits or a driver's license and through other means.

"This modernization will create a process making it easier for Ohioans to register to vote and ensure the information they provide is more accurate," Rep. Clyde said. "Automatic voter registration has the potential to increase registration rates and ensure our state has the most up-to-date information on voters. Sharing information will cut costs and work to clean up the voter rolls - rather than continue the haphazard, aggressive and illegal purging we have seen in Ohio in recent years."

Currently five other states have automatic voter registration.

In response to a question from Rep. Butler about legislation (**HB 359**) that created a confidentiality program to allow victims of domestic violence to register to vote but keep their addresses out of the public record, Rep. Clyde said she does not believe her bill would conflict with the aims of that measure.

"I feel like there are options for opting out that would meet the needs of that population," she said.

HB ABSENTEE BALLOTS (Clyde, K.) To eliminate the requirement that absent voter's ballots received during **309** the ten days after the day of an election contain a postmark and to specify circumstances under which those ballots must not be counted. (**CONTINUED**; 1st Hearing-Sponsor)

Prior to providing testimony on the measure that would require more absentee ballots to be counted, sponsoring Rep. Clyde lamented that three of her bills dealing with voting issues are receiving their first hearing in the final days of the General Assembly.

"It would be nice to work on some election legislation in the next General Assembly," she said. "To have the hearing come in the last days in the session...isn't really working together in a bipartisan fashion."

In regard to her bill, she told the panel that Ohioans are being disenfranchised because their absentee ballots are not postmarked.

The legislation, Rep. Clyde said, "will ensure that we count every ballot that is mailed on time, even if the post office neglects to postmark the envelope. Ballots received postmarked or signed by the voter on or after Election Day will continue not to be counted."

In the last gubernatorial election 6,670 absentee ballots were rejected, she said. However, it is unclear how many of those absentee ballots were not counted due to a lack of a postmark.

"With 70 elections having been decided by just one vote in the last two years, throwing out even one ballot over a missing postmark harms the integrity of our elections," she said.

Rep. Curtin asked how many absentee ballots not counted were cast by members of the military or those living overseas, but Rep. Clyde was unsure of the figure.

HB VOTER REGISTRATION (Clyde, K.) To modify the circumstances under which a voter registration **402** may be canceled. (CONTINUED; 1st Hearing-Sponsor)

Dubbed by sponsoring Rep. Clyde the "Stop the Purge Act," the legislation would prohibit removing Ohioans from the voter rolls for moving within the state or infrequent voting.

She said that the Election Assistance Commission found that 1.8 million Ohioans were removed from the voting rolls from 2011 to 2014, including 850,000 that were removed for infrequent voting.

"Among those purged are the elderly, young people, students, minorities and low-income voters. We shouldn't be punishing voters for choosing not to vote in some elections. Instead, we should be doing everything we can to encourage voters to come out to the polls by make voting easier in Ohio, not harder," she said.

HBSUNSET REVIEW LAW (Amstutz, R.) To revise and renew the Sunset Review Law, to require that a **613** Sunset Review Committee be convened to function during each oddnumbered General Assembly, and to declare an emergency. (CONTINUED (No testimony); 2nd Hearing-Testimony TBD-Possible substitute)

HBBOARD CONSOLIDATIONS (LaTourette, S.) To require the Director of Administrative Services to **617** review referred agency actions and determine whether they are consistent with state and federal antitrust law; to create the State Vision and Hearing Professionals Board, the State Behavioral Health Professionals Board, and the State Physical Health Services Board; to abolish the State Board of Optometry, the Ohio Optical Dispensers Board, the Hearing Aid Dealers and Fitters Licensing Board, and the Board of Speech Language Pathology and Audiology and transfer those boards' duties to the State Vision and Hearing Professionals Board; to abolish the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, and the State Board of Psychology and transfer those boards' duties to the State Behavioral Health Professionals Board; to abolish the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and the State Board of Orthotics, Prosthetics, and Pedorthics and transfer those boards' duties to the State Physical Health Services Board; to abolish the Ohio Board of Dietetics and transfer its duties to the State Medical Board; to abolish the Ohio Respiratory Care Board and transfer its duties to the State Board of Pharmacy and the State Medical Board; to make other changes regarding licensing and regulating certain health professionals; and to make an appropriation. (CONTINUED-SUBSTITUTE; 1st Hearing-Sponsor)

Sponsoring Rep. LaTourette told the panel that the legislation "seeks to minimize legal vulnerabilities in Ohio's medical professional licensing board by making sure that these boards are in compliance with federal antitrust laws."

The legislation would create a third-party review process by the Department of Administrative Services triggered when a board action has the potential to violate state or federal anti-trust law.

The bill also has the potential to reduce the number of licensing board from 16 to eight and slash the number of board members from 158 to 79. (See Gongwer Ohio Report, November 18, 2016)

"I am well aware that this is a tough conversation," Rep. LaTourette said. "Change is hard. And of course each individual board is going to push for their autonomy if it's an option. But we need to build on the work that has been done to transform our state-run health care programs - work that has led to controlling costs while improving access to better care. I truly believe this legislation accomplishes that objective."

However, Rep. Curtin said many lawmakers would have an open mind about such consolidation, but are wary to push such controversial legislation through the General Assembly in such a short period of time.

Rep. LaTourette said she and her staff have been working overtime on the measure to ensure that all interested parties' concerns are heard.

"I wish this bill would have come to my attention sooner," she said.

The substitute bill, according to Chairman Rep. Blessing, adjusts the membership of some of the boards.

HB STATE PROPERTY CONVEYANCES (Rezabek, J.) To authorize the conveyance of, and the granting of **619** perpetual easements to, state-owned real property. (**CONTINUED**; 2nd Hearing-All testimony-Pending referral)

The legislation will allow the University of Cincinnati will pave the way for a \$110 million National

Institute of Safety and Health facility, President Beverly Davenport told the panel in written testimony.

"The NIOSH Facility will benefit the entire Region and consolidate two physically and functionally outdated facilities in the Greater Cincinnati area. It will also create a collaboration, between UC and NIOSH, which has gone back 45 years according to Dr. John Howard, Director of NIOSH," she wrote.

"This facility will not only benefit UC and NIOSH, but will also benefit our institutional neighbors, UC Health, Children's Hospital, Tri-Health, Xavier University and Cincinnati State to name just a few. Through their joint use and research and intellectual capital, the collaboration will contribute to the educated workforce in the Uptown area and will make the entire region stronger."

Ohio State University and Ohio University also provided written testimony in support of the bill.

HB UNEMPLOYMENT COMPENSATION (Schuring, K.) To increase the taxable wage base under the **620** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (**CONTINUED** (See separate story); 1st Hearing-Proponent)

SB CAMPAIGN FINANCE REPORTS (LaRose, E.) To require certain campaign committees and other **206** entities to file campaign finance statements electronically and to require the Secretary of State to make the information in those statements available online. (**CONTINUED**; 2nd Hearing-Proponent)

Dennis Hetzel, president and executive director of the Ohio Newspaper Association, told the panel that the measure is "a pro-transparency piece of legislation that would create consistency between local government races and elections for general assembly and statewide offices."

Aaron Ockerman, executive director of the Ohio Association of Election Officials, also threw his support behind the measure in written testimony.

"As you know state legislative and statewide candidates have been filing campaign finance reports electronically for over a decade with excellent results," he said. "The infrastructure is already in place to allow local candidates to do this. We just need to allow them access to it."

SB CORPORATE GOVERNANCE (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273** (CONTINUED (No testimony); 3rd Hearing-Opponent)

SB SUNSET REVIEW (Jordan, K., Faber, K.) To require standing committees of the General Assembly to **329** establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet. (CONTINUED (See separate story); 3rd Hearing-Opponent)

Subscriber's note: Full testimony is available on the [committee's website](#) under Nov. 30.

State Government

HJRBANKING FUNCTIONS (Sheehy, M., Ramos, D.) To urge the United States Congress and the President **7** of the United States to enact legislation that would reinstate the separation of commercial and investment banking function that was in effect under the Glass-Steagall Act. (CONTINUED; 1st Hearing-Sponsor)

Rep. Sheehy said his resolution would urge Congress and the president to enact legislation to reinstate the separation of commercial and investment banking functions from the Glass-Steagall Act.

He said U.S. Rep. Marcy Kaptur (D-Toledo) and U.S. Rep. Tim Ryan (D-Niles) authored one of many previous attempts to reinstate portions of the act. And added that President-elect Donald Trump also called for a 21st Century version of the law at an October rally. The Republican National Committee also included it in its 2016 platform.

"Now is the time to act preemptively to prevent American taxpayers from being asked to fund hundreds of billions of dollars to bail out financial institutions, and to reinstate the separation of commercial and investment banking functions," he said.

Rep. Ramos said the reasoning behind the original law was to protect savings, but changes have created "too big to fail" banks and now revisions are needed to prevent the type of collapse that occurred a few years ago that prompted the bank bailout.

"We must learn from the root causes and prevent them from happening again. Only then can our capitalist free market system truly work for all within it," he said.

HBSTEEL USE (Boccieri, J., Ramos, D.) To require the use of domestic steel in construction, repair, or **558** improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges. (CONTINUED; 1st Hearing-Sponsor)

Rep. Ramos said the need for the bill became evident with the water crisis in Sebring, where a middle school that was found to have lead in its water contained pipes produced in china that were "visibly corroded and faulty."

"It is our belief that the choice to use defective foreign steel for critical infrastructure that serves young students had direct negative consequences on the health of those students," he said. "In allowing this to occur, we were not doing all we could to ensure the safety of our children."

Rep. Ramos said that along with safety benefits, there are economic gains to be had by using domestic steel on school campuses.

"Our own economy and the hardworking steelworkers in it, who have suffered severely from the corrupt, fraudulent system in China, deserve our support and business, especially now, as steel layoffs in my own district have passed 1,000, while similar layoffs occur elsewhere in the state," he said.

Rep. Boccieri did not attend the hearing but said in a statement, "When it comes to our children, we need to ensure that we are not sacrificing any level of quality or safety, and that means turning to what we know is reliable: American steel."

"We must produce domestic steel for our national and economic security. Our hardworking steel workers have suffered greatly from foreign dumping, and continuing to support countries that dump foreign steel into our markets undercuts U.S. and Ohio economic growth," he added.

HBEQUAL PAY CERTIFICATE (Howse, S., Clyde, K.) To require a contractor or person submitting a bid or **330** other proposal for a state contract or a business entity applying for a grant or other economic incentive from a state agency to obtain an equal pay certificate, to require state agencies and political subdivisions to establish a job evaluation system to identify and eliminate sex-based wage disparities among classes of employees, and to prohibit an employer from retaliating against an employee who discusses the employee's salary or wage rate with another employee. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Clyde said in sponsor testimony the bill targets the gender pay gap in Ohio, where on average women make 78% of what their male counterparts make doing the same job, regardless of education levels.

According to a 2014 Shriver Report, if women received equal pay, the US economy would produce \$447 billion in additional income and cut the poverty rate in half for working women and their families," she said.

The bill has three parts:

--First, it requires businesses with 4 or more employees who contract with the state or receive state economic development grants or other development packages to obtain an Equal Pay Certificate, which she said would certify that the employer offers growth opportunities to all employees regardless of gender and also ensure the business is not paying women less than men in similar positions.

--Second, the bill prohibits gag orders on employees that keep them from talking about their salaries with one another because women often don't know they are making less than men because salary information is kept secret and they are punished for talking about it.

Third, the bill requires government entities to evaluate their employees' pay scales to ensure that compensation is based on similar skills, effort, responsibilities and working conditions across job categories so that adjustments can be made as needed where woman dominated job categories have been undervalued. Rep. Clyde said women in Minnesota saw their wages increase by 9% after a similar provision was implemented.

"With these common sense changes, the Ohio Equal Pay Act will empower women in the workplace to be what they are: equal," she said.

SB ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and **227** functions of the Attorney General. (**REPORTED-AMENDED**; 2nd Hearing-Opponent-Possible amendment & vote)

Rep. Hambley won support for amendments that remove: provisions related to public records; language from as-introduced version, a change he described as "cleanup"; and language regarding a study committee on gaming and wagering.

A more substantive amendment he successfully offered involves wage garnishments and dormant judgments. (LSC Summary)

Rep. Grossman added an amendment that she said clarifies the fingerprinting process in the bill.

Prior to the report, Rep. Curtin said that while he supported most of the measure and would vote for it, he was considering a floor amendment to address issues raised in testimony by Emily White, an attorney with Cleveland's Dann Law Firm.

While the bill contains many "common sense improvements," such as those dealing with the Consumer Sales Practices Act, she said, she raised concerns with language that would authorize the assessment of attorney fees for special counsel and other costs.

"The imposition of attorney fees for special counsel harms some of the most vulnerable Ohioans, particularly low income students and people with disabilities," Ms. White said.

She said many of the debts impacted belong to Ohio college students, including Perkins loans directed to students with "exceptional" financial need.

"Many low-income students also become indebted to their college for refunds of Pell Grants after they drop out mid-semester for health, financial, or family reasons," she said. "Although many of the initial debts are for relatively small sums, accrued interest and collection fees can quickly dwarf the initial principal amount owed."

HB DAY DESIGNATION (Ramos, D.) To declare November 23rd as Fleet Admiral Ernest Joseph King **324** Day. (CONTINUED; 1st Hearing-Sponsor)

Rep. Ramos said he introduced the bill near the 70th anniversary of the end of World War II to "honor one of the architects of that victory, a man who in many ways helped to save the world from fascism and tyranny, Ohio's own Fleet Admiral Ernest J. King."

Admiral King commanded the Atlantic Fleet in 1940 and went on to become commander in chief of the U.S. Fleet in the wake of the Pearl Harbor attacks, Mr. Ramos said. He became chief of naval operations in March 1942.

"Although we have enshrined Admiral King in the Veterans Hall of Fame for his service to our community after retirement, and the City of Lorain has honored him in various ways, the State of Ohio to the best of my knowledge has never honored him for his service while in the Navy," the sponsor said. "I believe it is time for Ohio to finally honor one of its favorite sons and name a day in honor of this Republican war hero."

HB LAME DUCK SESSIONS (Boose, T.) To prohibit the General Assembly from holding sessions after the **577** general election in an even-numbered year. (CONTINUED; 1st Hearing-Sponsor)

Rep. Boose said his bill would increase accountability in the legislative process and foster more discussion on pending bills by eliminating lame duck sessions.

"In my time serving in the House I have come to respect our committee process," he said. "I feel that during the lame duck session legislation is often rushed and does not promptly go through the committee process. Also as elected officials we need to be held accountable for our actions, so we should be voting on legislation before the election, not after."

He said the measure would allow for special sessions but would prohibit votes in those cases except on matters relating to public health and safety.

"In doing research I have found that only seven other states have lame duck session," Rep. Boose said. "Also in the past, some General Assemblies' session ended in June before the elections and did not meet again until the beginning of the new General Assembly."

The sponsor told the newer members to "be prepared for next week" and cited as an example of heretofore unknown amendments floating around language reportedly sought by AT&T regarding cellular infrastructure.

Rep. Curtin said he "couldn't agree more" with the thrust of the bill and asked whether the exception for emergency sessions would permit votes the way it was written. Rep. Boose said it was his intent to allow such actions as necessary.

Responding to Rep. Grossman, the sponsor said he's unsure of the history involved in why only seven states have lame duck sessions. He told the lawmaker he "absolutely" believes the bill would increase transparency in the legislative process.

HB DAY DESIGNATION (Clyde, K.) To designate the fourth Tuesday of September as Ohio Voter Registration Day. (CONTINUED; 1st Hearing-Sponsor)

"Currently in Ohio, over one million eligible Ohioans are not registered to vote. Along with passing Automatic Voter Registration, which I have proposed and has already passed in six states, we must work to raise awareness about the importance of registering to vote," Rep. Clyde said in sponsor testimony.

If enacted, Ohio would join other states in observing National Voter Registration Day, during which citizens and groups come together to host voter registration drives, advocacy events and information campaigns, she said

"These events work to publicize the critical information people need to get registered, update their addresses and cast their ballots-especially among those who may have the most questions when it comes to registration, namely young voters, college students, minorities and low income voters."

"In adopting an Ohio Voter Registration Day, we are not simply invoking another awareness day, we are initiating a call to action," the sponsor added.

HB SAFETY BELTS (Phillips, D.) To require all passengers in automobiles to wear safety belts. 331 (SCHEDULED BUT NOT HEARD; 1st Hearing-Sponsor)

HB REPLICAS VEHICLE TITLES (Patterson, J.) To provide that when a certificate of title is issued for a 332 motor vehicle, the owner may request that the certificate indicate that the motor vehicle is a replica vehicle. (CONTINUED; 1st Hearing-Sponsor)

Rep. Patterson called his proposal a "simple, straight forward bill" that is permissive and flexible. He said the bill would permit a vehicle's owner to request a title certificate indicating the actual year of the vehicle's construction to also include designation of the vehicle as a replica.

The bill would specifically benefit car enthusiasts who may rebuild or remake old model cars. He said a law enforcement officer, who pulls over such a vehicle, could be confused by a title or registration showing a 1912 Ford Model T, for example, as being manufactured in 2016.

"Clearly, it would be far more effective if, in addition to the true year of assembly, a notation is provided that reflects the fact that the vehicle in question is, indeed, a replica of a 1912 Ford Model T," he said. "This is simply common sense."

He said a recent federal law allowing the ownership of a turn-key replica from a manufacturer lends further credit to the need for his bill.

HB DAY DESIGNATION (Howse, S., Boyd, J.) To designate February 23 as Louis Stokes Day. 329 (CONTINUED; 1st Hearing-Sponsor)

Rep. Boyd recounted the life of former U.S. Rep. Louis Stokes, who was born in Cleveland in 1925 and died in 2015.

Mr. Stokes was elected to the U.S. House in 1969, becoming the first African American to represent Ohio in Congress. There he served for 30 years, until resigning in 1999.

During that time he served as a senior member of the House Appropriations Committee, expanding healthcare access, funding new city development, and creating opportunities for minorities through job programs, the representative said.

"The purpose of this bill is to honor an Ohioan and extraordinary pioneer in legislature," she said. "I feel that it is important to acknowledge Rep. Stokes's service and spark the conversation for more change by celebrating his legacy on February 23rd."

HB FIREARMS (Antonio, N., Boyd, J.) To require a court that issues a protection order to determine if the **494** respondent is prohibited from carrying or possessing a firearm, to require a court to determine whether an offender who has been convicted of specified offenses is prohibited from carrying or possessing a firearm, and to require a respondent or offender who the court determines is prohibited from carrying or possessing a firearm to transfer all firearms in the person's possession to a law enforcement agency or a federally licensed firearms dealer. **(CONTINUED; 1st Hearing-Sponsor)**

Reps. Antonio and Boyd delivered joint sponsor testimony on the bill to prohibit convicted domestic abusers from possessing firearms during an active protection order or when that person is already prohibited from possessing a firearm under existing law.

"Dangerous gaps in Ohio law make it easy for domestic abusers to access guns, even though they are legally prohibited from doing so," the lawmakers stated in prepared testimony. "For instance, Ohio does not prohibit convicted domestic abusers or people subject to domestic violence protection orders from purchasing or possessing guns, and does not require abusers who become prohibited by federal law to turn in the guns they already have. Criminals convicted of misdemeanor domestic violence crimes are generally prohibited from gun possession by federal law, but not by state law-meaning that our state system cannot bring these abusers to justice."

Rep. Antonio cited statistics she said underscored the problem that the bill targets. Rep. Boyd provided examples of recent occurrences in which victims were shot by estranged domestic abusers.

Responding to a question from Rep. Curtin, Rep. Antonio said the bill mirrors federal law in many respects while also providing judges more discretion in enforcing protection orders.

HB NUTRITION PROGRAMS (Ramos, D., Howse, S.) To require the Director of Job and Family Services to **381** request a federal waiver of time limits for certain Supplemental Nutrition Assistance Program recipients. **(CONTINUED; 1st Hearing-Sponsor)**

"Ohio qualified for a federal waiver of SNAP time limits from the recession through federal fiscal year 2015, but the Kasich Administration has rejected that waiver for most of Ohio's counties for the past two years, accepting it in 2014 for just 16 rural counties out of the state's 88 counties, and for 17 in 2015," the sponsor said.

"Statewide, the time limits have resulted in the removal of 128,452 Ohioans from the program through May of this year and, due to the poor economic climate, it is very likely that an overwhelming number of these Ohioans will face food insecurity as a result."

Rep. Ramos said his bill would require the state to request waivers for all eligible counties. "Apart from administrative costs, this waiver would cost Ohio no additional money but has the opportunity to save lives and provide the most basic needs - food - to our constituents so they can worry about finding that next job and becoming self-sufficient again," he said.

HR CORPORATE BOARDS (Johnson, G., Boggs, K.) To urge equitable and diverse gender representation on **344** the corporate boards of directors of companies based in Ohio. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Boggs said the measure she is cosponsoring with Rep. Johnson encourages publicly held corporations to support gender diversity on their boards of directors.

"HR344 will encourage publicly held corporations in Ohio with at least 9 seats on its board of

directors have a minimum of three women on its board," Rep. Boggs said. "If the company has between 5-9 board of directors, HR344 suggests that 2 of those seats be filled by women, and if there are fewer than 5 board of directors, the recommendation is that 1 woman be seated on the board of directors."

Added Rep. Johnson in written testimony: "Women comprise over half of Ohio's population, yet none of the top 55 companies in our state for the year 2015 had 50% women on their boards. In fact, almost all had less than 30% and approximately half of our state's top companies had one or zero women serving on their board."

HR TRAIN CREWS (Sheehy, M., Lepore-Hagan, M.) To support the Federal Railroad Administration's **383** proposed rule requiring trains operated in the United State to have at least a two-person crew.
 (CONTINUED; 1st Hearing-Sponsor)

Sponsors said their resolution indicates support for a proposed federal rule requiring trains operated in the U.S. to have at least a two person crew.

Rep. Sheehy said freight crews have typically consisted of five members, but that number has been reduced with modern technology.

"No technology safeguards can protect against operator fatigue, which occurs due to the nature of the job," he said. "A similar standards in airplane operation is required in our country and I strongly believe this is something we need in echo in the freight industry."

Rep. Lepore-Hagan said in written testimony, "It should be noted that engineer fatigue is a serious concern that could, in part, be alleviated with another crew member present."

Nearly 20% of the 182 major National Transportation Safety Board investigation between January 2001-December 2012 found fatigue as probable cause, the sponsors said.

Subscribers Note: Most full testimony is available on the [committee's website](#) under Nov. 30.

Public Utilities

HB 911 CALLS (Johnson, G.) To require multi-line telephone systems to have a default configuration that **525** permits users to directly initiate a call to 9-1-1 without dialing any additional digit or code. (CONTINUED; 1st Hearing-Sponsor)

Rep. Greta Johnson said her bill is modeled after a Texas law named after a woman who was killed in a hotel after daughter tried to dial 911. At the time, the daughter didn't know the hotel required one to dial 9 before dialing out.

The bill would require multiline telephone systems, such as those at hotels and office buildings, to allow direct access to 911.

"I have already spoken with several interested parties on this legislation...and have yet to receive opposition," she said. "As our state moves forward with a transition to the next generation 911 services, the timing is appropriate to not only update our services but address potential public safety concerns."

HBRENEWABLE ENERGY (Amstutz, R.) To revise the requirements for renewable energy, energy efficiency **554**savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs. (REPORTED-AMENDED (See separate story); 3rd Hearing-All testimony-Possible amendments & vote)

HB UTILITY RESELLING (Duffey, M.) To permit the Public Utilities Commission to adopt rules governing **589** residential utility reselling. (CONTINUED; 1st Hearing-Sponsor)

Rep. Duffey urged support for his bill to permit the Public Utilities Commission of Ohio to adopt rules regulating utility reselling and submetering. He said current law seems to grant the PUCO regulatory authority

on the issue.

"Yet, for reasons still unclear, the PUCO has taken literally no steps over the past three years, other than feigned attempts to investigate the topic, to assert its jurisdiction over this subject area, leaving consumers with no relief and no consumer protections," he said.

A PUCO investigation on the matter is currently pending. But Rep. Duffey said that if the body doesn't act, home rule dictates that local municipalities could pass their own regulation, resulting in a patchwork of regulation across the state.

"But I don't think that is what we want in Ohio," he said. "Rather, I think we want uniform standards applied statewide that are fair and consistent. So that is what this legislation does. It puts to rest the argument about who has jurisdiction by saying, essentially, PUCO, you definitely have jurisdiction. Now do your job - provide the consumer protections we expect normally to all consumers, not just those served directly by the traditional public utility such as AEP or FirstEnergy."

HBPORT AUTHORITIES (Conditt, M.) To authorize port authorities to create energy special improvement **72** districts for the purpose of developing and implementing plans for special energy improvement projects and to alter the law governing such districts that are governed by a nonprofit corporation. **(CONTINUED-SUBSTITUTE (No testimony); 5th Hearing-Possible substitute)**

Rep. Conditt walked members through the contents of her sub bill, which she said strips the bill to its "bare bones" while addressing prior concerns from interested parties.

The sponsor said her initial bill was "too aggressive," resulting in it being bogged down in the legislative process.

The new version reduces the definition of special energy improvement projects contained in the previous version to include solar, geothermal, energy efficiency and consumer generated energy projects.


It would also change language to reflect that only nonresidential properties are eligible, while adding language specifying that a property cannot become its own electric company or exceed certified territories.

Subscribers Note: For full testimony, see the [committee's website](#) under Nov. 30.

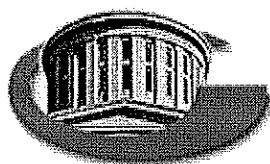
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Senate Activity for Wednesday, November 30, 2016

PASSED

HB DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women **325** who are addicted to controlled substances to seek treatment.

31-0 (Amended) (Earlier REPORTED)

Gongwer Coverage

HB AWARENESS DAY (Anielski, M.) To designate the Saturday before Thanksgiving as "Ohio Survivors of **440** Suicide Loss Day."

31-0

Gongwer Coverage

SB SEXUAL CONDUCT (Hughes, J., Hottinger, J.) To prohibit a person from engaging in sexual conduct with **195** an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling.

31-0

Gongwer Coverage

SB TAX PAYMENTS (Eklund, J.) To revise the law governing how taxes on income from pass-through entities **288** is to be reported and paid by the entities and their investors.

30-0 (Earlier REPORTED-AMENDED)

Gongwer Coverage

SB HOSPITAL CARE (Lehner, P.) To provide for the designation of a lay person to provide after-care to a **314** hospital inpatient and participate in discharge planning.

31-0 (Earlier REPORTED-AMENDED (No testimony))

Gongwer Coverage

SB BANKING LAWS (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of **317** Ohio.

31-0

Gongwer Coverage

SB LAND CONVEYANCES (Peterson, B.) To authorize the conveyance of, and the granting of perpetual easements to, state-owned real property.

31-0 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

INFORMALLY PASSED

HB PALLIATIVE CARE FACILITIES (Schuring, K.) To establish requirements for the operation of palliative care facilities and requirements for hospital after-care and discharge planning, to prohibit assisting suicide, to require coverage for autism services, and to require the development of recommendations concerning the operation of memory care units.

REPORTED-AMENDED SUBSTITUTE

Gongwer Coverage

SENATE CONCURS IN HOUSE AMENDMENTS

SB 232 DEATH DESIGNATION DEEDS (Bacon, K.) To amend the law related to transfer on death designation deeds and affidavits.

30-0

Gongwer Coverage

GOVERNORS APPOINTMENTS CONFIRMED BY THE SENATE

Richard Ross, Bowling Green State University Board of Trustees. Vote: 22-9

REFERRED

Government Oversight & Reform:

HB STATE CONTRACTING (Schuring, K.) To prohibit a state agency from contracting with a company that is boycotting Israel or disinvesting from Israel.

Gongwer Coverage

COMMITTEE HEARINGS

Ways & Means

HB TIF CREATION (Butler, J., Burkley, T.) To establish a procedure by which political subdivisions proposing a tax increment financing (TIF) incentive district are required to provide notice to the record owner of each parcel within the proposed incentive district before creating the district, and to permit such owners, under specific conditions, to exclude their parcels from the incentive district by submitting a written response. (CONTINUED; 1st Hearing-Sponsor)

Rep. Butler said his bill, which cleared the House by a vote of 71 to 26, "will establish a procedure to allow property owners to opt out of Tax Increment Financing, or 'TIF' incentive districts proposed by local governments."

The bill, he said, stems from discussions with property owners in the Dayton region who suggested improvements. He said they should be allowed to opt out of TIFs because:

1. Being included in a TIF incentive district disallows property owners from using parcel TIFs, which are far more common, until the original bonds from the TIF incentive district are paid off, which can take up to 30 years in some cases.

2. By being included in a TIF incentive district without having any say in the matter, it is possible that situations could arise where one property owner within the district reaps more of the benefits of an infrastructure improvement project than a property owner a quarter mile down the road does. If these two properties are owned by competing businesses, it is entirely possible that some property owners end up funding their competitors indirectly.

Rep. Butler outlined how the bill, which also creates the term "overlay" in state law, would work.

"The intent of this legislative is to ensure that property rights are protected, because if a property gets included in a TIF incentive district, the owner of that property is not eligible for a parcel TIF - parcel TIFs are far more common and provide direct benefits to specific properties rather than entire districts," he said. "My intent is to prevent property owners from unfairly being included in a TIF incentive district where the infrastructure improvement projects will not benefit their properties."

Sen. Hackett raised concerns that the change would negatively impact rural counties trying to create developments.

Rep. Butler said that wasn't the intent of the bill, rather it aims to "clean up" current law

HBLINKED DEPOSITS (Schuring, K.) To create the business linked deposit program, to permit credit unions **415**to participate in that program, to permit credit unions to participate in the agricultural linked deposit program, and to make other changes to the linked deposit law. (**CONTINUED**; 2nd Hearing-Proponent)

Patrick Harris, lobbyist for the Ohio Credit Union League, joined two other representatives of credit unions in voicing support for the bill, which he said "provides additional economic development tools in the form of Business- and Ag-LINK for credit unions to utilize when assisting member small businesses."

After updating the panel on the state's linked deposit programs, he said, "Instead of including credit unions as eligible public depositories, House Bill 415 creates a separate program mirroring the existing GrowNow program, establishing a partnership between a credit union and the state treasurer to provide affordable small business loans." He stressed that under the program, the state would not be liable for any principal or interest payments to businesses.

The league's support for the bill "is rooted in the belief that credit unions are perfectly aligned with the target audience of potential small business participants, as the programs limit loans to between \$50,000 and \$400,000," Mr. Harris said.

Keith Eiden, executive vice president of Superior Credit Union in Lima, said the program would be a good fit for his credit union, which has been active in serving businesses in the community for decades.

"As our members approach us concerning a new purchase or expansion that would create jobs and would benefit by a link deposit program, should not they have the option of the local cooperative that they have come to trust?" he said.

"The link deposit programs were created to help agriculture and business expand and create jobs. The access to these programs should not be limited to what institution may be in the area. The access should be given to help these entities produce and grow our economy."

R. Stanley Barnes, president and CEO of CSE Federal Credit Union in Canton, argued similarly for extending the state treasurer offerings to credit unions.

"Early in 2015, I had the opportunity to sit down with my State Representative, Kirk Schuring, to discuss what credit unions can do to strengthen our local economy and improve the quality of life for our members; his constituents," he said. "Representative Schuring spoke at our meeting about the incredible power that is inherent in a single idea. If enacted, I believe House Bill 415 will bring the power of that idea to full fruition and provide a choice for the small businesses that are responsible for the job creation and economic development seen in our local communities."

Several other groups submitted written testimony in support of the bill.

SB EARNED INCOME TAX CREDIT (Skindell, M.) To remove the income restriction on the earned income **21** tax credit and to make the credit refundable beginning in 2015. (CONTINUED; 1st Hearing-Sponsor)

Calling Ohio's EITC program "one of the weakest in the nation, Sen. Skindell said his bill would make the credit would better address income inequality in the state.

"Wages have been stagnant or falling for quite some time; in particular, for the working poor. The federal EITC, which is refundable, kept 5.7 million Americans - including 3.1 million children - out of poverty in 2011," he said.

"A refundable state EITC would have a significant impact on the long term economic well-being of our low income wage earners and our local and state economy," the sponsor said, citing a Policy Matters Ohio report that found the credit boosts family income and assists poor communities by stimulating local economies.

Sen. Tavares also stressed that point in saying that the program doesn't just help the families directly but also flows through to the local communities.

Sen. Skindell said the program would also "significantly help families in rural counties."

"The fact that Ohio's EITC is not refundable makes it benefit a relatively small portion of working-poor families in the state," the sponsor said.

"Two significant tax credits that go to businesses in Ohio are refundable ones - the historic building rehabilitation credit and the job retention tax credit, yet the state's EITC is not. In addition to the federal EITC, 26 states have credits that are refundable," he added.

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the **246** purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (CONTINUED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)

SB TAX PAYMENTS (Eklund, J.) To revise the law governing how taxes on income from pass-through entities **288** is to be reported and paid by the entities and their investors. (REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)

The panel reported the bill unanimously after Sen. Eklund won support for amendments to: create a different filing requirement for pass-through entities that are publicly traded to address frequent changes in ownership; and include what he described as technical corrections applied by the Legislative Service Commission.

SB UNEMPLOYMENT COMPENSATION (Peterson, B.) To increase the taxable wage base under the **374** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (CONTINUED (See separate story); 1st Hearing-Sponsor & proponent)

SB PROPERTY TAXES (Schiavoni, J., Gentile, L.) To exempt from property taxation the primary residence **302** of military veterans who are disabled. (CONTINUED; 1st Hearing-Sponsor)

Sen. Schiavoni said the bill would "provide a complete property tax exemption for honorably discharged veterans who were 100 percent disabled in a service-related injury."

"Senate Bill 302 allows any permanently disabled veteran to be exempt from paying all property taxes on their primary residence. This legislation modifies the homestead exemption program which currently allows low-income senior citizens and totally disabled Ohioans to reduce their property tax bills by shielding some of the market value of their homes from taxation," he said.

"Under this program, disabled veterans currently benefit from a 10% rollback, a 2.5% rollback, and a homestead exemption that excludes the first \$50,000 of their home's market value. However, LSC estimates that the average market value for a single-family house in Ohio was roughly \$125,000 in 2015. Our concern is that the threshold is too low, preventing thousands of Ohio's heroes and their families - who may be retired, on fixed incomes, or struggling financially - from taking advantage of much needed tax relief."

Sen. Gentile said the legislation expands the exemption to allow all disabled veterans in Ohio a tax exemption for the entire property value of their primary residence "while also ensuring that local school districts and jurisdictions do not lose funding from the loss of property tax revenue."

"According to LSC, enacting this tax exemption would benefit over 10,000 disabled veterans in Ohio by saving each of those veterans an average of \$1,400 per year - offering meaningful financial support to those in our state that bravely served our country and made a permanent sacrifice," he said.

Sen. Gentile said 13 states currently offer tax packages that include a disabled veteran's exemption, and four others have similar legislation pending.

"It should be a non-partisan priority to provide tax relief to our nation's veterans," he said.

Agriculture

HBALCOHOL SAMPLES (Blessing, L.) To allow certain D liquor permit holders to provide free tasting **444** samples of beer, wine, and spirituous liquor to a person who is 21 years old or older and a paying customer of the permit holder. (CONTINUED; 1st Hearing-Sponsor)

Rep. Blessing said the bill would allow qualifying liquor permit holders to provide free samples of alcoholic beverages - a move which he said is common sense for business. He said many restaurants already engage in the practice as it can lead to the sale of a full glass.

Chair Hite said the panel would hold a brief meeting next week to vote on the bill.

SB DOGS LAW (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious **151** dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (REPORTED (No testimony); 5th Hearing-Possible vote)

SB POLICE ANIMALS (Gentile, L.) To authorize a law enforcement officer to purchase a police dog or horse **271** for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency. (REPORTED; 2nd Hearing-All testimony-Possible vote)

Retired officer Matt Hickey recounted the situation in which he came to purchase K9 partner Ajax upon his retirement from the force.

"The Ohio Revised Code was not clear about the ability for a retiring officer to purchase a canine officer, and since the canine in my case still had a useful life, he was considered to be useful property under law according to interpretation," he said. "Everyone wanted to comply with state law, so there was a lot of confusion about what

to do. At one point during this dilemma, it was interpreted that I would need to purchase Ajax for \$3,500 because he was useful property to the city. My family and I did fundraise that amount, but then it was again questioned if we were allowed to do that."

He added that he eventually was able to purchase the dog for one dollar, but said the same resolution may not occur in the future because of how the law can be interpreted.

"The bond between handler and dog is strong and unique," he added. "To suddenly try to end that relationship could be harmful for both the officer and the dog, as well as the department served, so it is necessary that there be a clear way, in state law, for an officer to purchase his or her K9."

Responding to Sen. Skindell, he said there are other situations beyond retirements - including officer disabilities - when there would be value in allowing the purchase of a K9.

Mary O'Connor-Shaver submitted written testimony on behalf of Angels for Animals, Joseph's Legacy, Justice for Herbie, Nitro Foundation/Nitro's Ohio Army, Ohio Coalition of Dog Advocates and Ohio Voters for Companion Animals, Inc.

Transportation, Commerce & Labor

HB TRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise **341** the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (**CONTINUED**; 2nd Hearing-Opponent & interested party)

Jim Shriner, owner of Broad & James Towing, testified in support. He said the bill helps address issues that arose with the enactment of separate legislation (HB274), particularly sections that could have a significant impact on a towing operator if an employee makes only a few mistakes.

Cleveland Police Sergeant Keith Larson testified as an interested party, saying it will improve the relationship between law enforcement and private towers.

Among other things, he said the bill creates incentives for towers to move vehicles to safer locations, rather than leaving them on public streets. The measure, he said, allows Cleveland to continue to demand a higher level of service from towing operators.

HB DUI SENTENCES (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a **436** second-time OVI offender to order the termination of the mandatory immobilization order. (**CONTINUED**; 1st Hearing-Sponsor)

Reps. Cupp and Rogers offered testimony, saying the bill eliminates an inconsistency in the law regarding penalties for second-time OVI offenders.

The sponsors said the bill addresses timing issues regarding license suspensions and vehicle immobilizations by making those penalties more consistent.

HB BOARDING SCHOOL ZONE (Patterson, J., Roegner, K.) To authorize a municipal corporation or **455** township to establish a boarding school zone and a special speed limit within that zone. (**CONTINUED**; 2nd Hearing-All testimony)

Dan Dodd of the Ohio Association of Independent Schools offered brief testimony in support. He said the measure creates a permissive solution through which local governments could increase safety near the state's boarding schools. The bill, he said, includes no cost requirements for local governments.

HB REAL ESTATE SALES (Smith, R.) Relating to real estate brokers and salespersons. (**REPORTED**; 2nd

532 Hearing-All testimony-Possible amendments & vote)

Peg Ritenour, vice president of legal services for the Ohio Association of Realtors, testified in support. She said the bill implements recommendations of an Ohio Real Estate Commission task force that sought to increase the professionalism of brokers and agents. Further, she said the bill clarifies agents' role in cases when they may represent multiple buyers interested in the same property. The measure also allows agents to secure their pre-licensure education through online sources.

Ms. Ritenour said 37 other states accept a distance learning option, noting that the online option offers convenience for people who might want to join the industry. She noted that the bill requires distance learning options to be taken at an institution of higher education.

Tiffany Meyer, also representing OAR, backed the bill. She said offering distance learning options is important given that recruits to her agency spend an hour driving each way to attend in-person real estate education courses.

She also looked to counter what she said is "substantial misinformation" that has been spread by one party to the bill. She said the bill would not allow unqualified people to enter the industry and that the courses required to sit for the exam have not changed.

Ms. Meyer also said it is not true that the courses will be unregulated.

Tom Walsh of the Ohio Association of Community Colleges testified in support. He said the bill gives more flexibility for students and will ensure a level playing field for course providers. Mr. Walsh added that the bill also includes language that allows the superintendent of real estate to ask the chancellor of the Department of Higher Education to perform a review of real estate courses.

SB 345 LICENSE PLATE (Jones, S.) To create the Conquer Childhood Cancer license plate. (CONTINUED; 1st Hearing-Sponsor)

Sen. Jones said the bill was introduced on behalf of a constituent who lost her six-year-old son to cancer. She said enactment would allow the child's legacy to live on, and would generate money for an organization that funds promising cancer research.

SB 359 LICENSE PLATE (Uecker, J.) To create the Down Syndrome Awareness license plate. (1st Hearing-Sponsor)**SB 361 LICENSE PLATE (Thomas, C.)** To create the "Triple Negative Breast Cancer Awareness" license plate. (CONTINUED; 1st Hearing-Sponsor)

Sen. Thomas said the plate would bring awareness to the form of breast cancer that appears to be more responsive to chemotherapy treatment. He said the bill was introduced after a constituent contacted the senator after the death of her daughter.

SB 363 LICENSE PLATE (Oelslager, S.) To create the "Buckeye Corvette" license plate. (CONTINUED; 1st Hearing-Sponsor)

Sen. Oelslager said the bill would allow Ohio Corvette enthusiasts to display their membership in the organization. Proceeds from the sale of the special plate, he said, would be used to support charitable organizations.

Governor's Appointments: The panel also recommended approval of the governor's appointments of Ferzan Ahmed, State Board of Registration for Professional Engineers and Surveyors; Andrew Bainbridge, JD, Ski Tramway Board; Kristine Burdick and Rowland Giller, III, Ohio Real Estate Commission; James Gasior and Michael Peterson, Ohio Turnpike and Infrastructure Commission; Stephanie Green, Janet Orosz and Richard Zaleski, Ohio Fair Plan Underwriting Association Board of Governors; W. Craig Zimpher, State Employment

Relations Board; Bill Dingus, Chris Kershner and Christopher Powell, Transportation Review Advisory Council; J. Richard Lumpe, State Employment Relations Board; Ross McGregor, State Personnel Board of Review; Scott Murray, Board of Motor Vehicle Repair; Thomas Needles, Motor Vehicle Dealers Board; Gary Siciliano, Motor Vehicle Salvage Dealers Licensing Board and George Snyder, State Board of Emergency Medical, Fire, and Transportation Services.

Health & Human Services

HB NURSES (Pelanda, D.) To revise the law governing advanced practice registered nurses. (**REPORTED-216** **AMENDED SUBSTITUTE**; 3rd Hearing-Opponent & interested party)

Rep. Pelanda outlined a number of changes reflected in the latest substitute version. The substitute adds language permitting a coroner to give notice to the Nursing Board or Dental Board of prescribing practitioner in the case of an overdose death; adds APRNs and PAs as treating practitioners along with physicians for treatment plans in school for children with diabetes; allows the Ohio Board of Nursing to discipline a licensee if clinical privileges or prescriptive privileges are revoked, suspended or restricted by the U.S. Department of Defense, the Department of Veterans Affairs or the DEA.

The substitute deletes certain requirements in the Standard Care Arrangement, including the procedure for regular review of referrals and care outcomes for a sample of patients as well as the policy for care of infants to one year and recommendation for physician visits from birth to age 3. For Schedule II prescribing not occurring at a specific site, requirements were changed to allow a physician to prescribe the initial Schedule II instead of the collaborating physician. It also allows an APRN to prescribe for a 72-hour period rather than 24 hours.

Subsequent amendments were adopted to ensure that oxygen therapy was included within the scope of practice and the insertion of provisions embodied in Sen. Hite's **SB 287** to require state agencies to assess the incidence of diabetes in Ohio, to establish goals and plans to reduce that incidence and to submit reports with findings and recommendations for fiscal and legislative policies on diabetes prevention, treatment and management. That stand alone legislation was passed unanimously by the Senate in May and referred to the House Health and Aging Committee last month.

Written testimony was submitted by Tim Maglione on behalf of the Ohio State Medical Association. He said the OSMA remains neutral on the bill noting their position has never changed throughout the process in wanting to preserve a collaborative model of care that best serves patients' health care needs. He stated the bill provides significant updates to APRN practice while maintaining the physician as the leader of the health care team.

HB PRESCRIPTION REFILLS (Sprague, R.) To authorize pharmacists to dispense multiple refills of a **285** prescription simultaneously under certain circumstances. (**REPORTED (No testimony)**; 3rd Hearing-Opponent & interested party)

HB TERMINAL PATIENTS (Sprague, R., Anielski, M.) To permit a physician to treat a terminally ill patient **290** with a drug that is not approved by the United States Food and Drug Administration and permit a drug manufacturer to provide such a drug to the patient or physician. (**REPORTED-AMENDED**; 4th Hearing-Opponent & interested party)

The panel adopted a series of amendments with some described as being technical without changing the original intent of the bill. One substantive amendment, offered by Sen. Hite, would strengthen informed consent by requiring the physician to use a template created by the Ohio State Medical Board to ensure that consistent information is provided to patients across the state and adds a statement that there is no proof to efficacy of the treatment. Additionally, the Hite amendment specifies that the patient's insurance plan is not required to provide coverage for the treatment or associated costs and the consent form states there is no cause of action against the provider or manufacturer for use of the drug, product or device.

And, new language was included specifying that the bill does not create a claim against a physician or hospital that does not recommend such a treatment option to protect against circumstances where in the physician's clinical judgment, accessing such an unapproved therapy is not in the patient's best interest.

Written support for measure was offered by the Ohio State University Comprehensive Cancer Center - James Cancer Hospital and Solove Research Institute. Jennifer Carlson, associate vice president for external relations and advocacy, wrote the so-called "Right to Try" bill would provide patients with terminal conditions access to experimental therapies that have gone through Phase I clinical trials, if approved by their physician and access is granted by the manufacturer.

HB PALLIATIVE CARE FACILITIES (Schuring, K.) Regarding palliative care facilities. (**REPORTED-470** **AMENDED SUBSTITUTE**; 3rd Hearing-Opponent & interested party)

The committee adopted a conforming substitute version to which a number of amendments were then directed. One amendment, offered by Sen. Lehner, harmonizes language encouraging hospitals to participate in palliative care programs. Sen. Cafaro won approval of an amendment that would direct the Departments of Aging and Health to make recommendations regarding palliative care and other long-term care services and report those recommendations to the General Assembly for possible future action.

A clarifying amendment by Chair Jones gives rulemaking authority involving the health care centers under the jurisdiction of the Department of Health. And, Chair Jones offered another adopted amendment that would place **HB 350** in the priority bill. That legislation sponsored by Rep. Grossman provides for health insurance coverage for autism treatment.

Prior to taking final action on the bill, the committee heard testimony from representatives of the Sisters of the Congregation of the Divine Spirit in Canton who are seeking approval to establish a faith-based palliative care center that would be unconnected with either nursing home or hospice care.

Sister Marilee Heuer said palliative care is specialized medical care for people with serious illnesses focusing on providing patients with relief from symptoms, pain and stress of a serious illness, whatever the prognosis. She said the proposed facility would provide a "middle ground" between nursing home care for the elderly and hospice care for the terminally ill where patients and their families can be provided services in a compassionate and cost-effective manner for whatever period of time help is needed.

Sister Marilee assured committee members the concept would not "morph" into a program seeking Medicaid funding. She continued that the facility would not be part of a nursing home or hospital or hospice and will not be governed by the laws and rules concerning them. She said the Sisters of the Divine Spirit wish to make the palliative care center a mission without further burdening an already strained healthcare system.

Likewise, Sister Janet Harold stated their vision as providing faith-based, private pay, non-profit, homelike palliative care that would be more akin to home care rather than to skilled nursing. She added her colleagues believe this can be done efficiently, cost-effectively and well without any Medicare or Medicaid funding. "There are too many people struggling to manage complex medical issues on their own. The need is there. We ask your permission to fill it," she asked of committee members.

Roberta McKnight, director of nursing for the Divine Sisters' House of Loreto nursing home, said with all current healthcare options available, it is hard to believe that there are still gaps in the system that creates needless suffering and struggle through the end of life journey. She added that several gaps within the system could be bridged by providing a facility-based palliative care option that studies have shown to provide desired quality care with improved clinical outcomes. Ms. McKnight concluded that facility-based palliative care allows for one touch, professional care and, by its very nature, removes many of the variables that exist within family support systems, living situations and would reduce the margins for error and miscommunication.

HB BIOLOGICAL PRODUCTS (Huffman, S., Pelanda, D.) Regarding the regulation of biological products **505** and the substitution of interchangeable biological products when dispensed by pharmacists. (**REPORTED-505** **AMENDED**; 4th Hearing-Opponent & interested party)

An amendment by Sen. Gardner corrects drafting errors and restores the legislative intent in previously enacted legislation (**SB 129**) relative to prior authorization requirements of insurers. Another amendment, by Sen. Hite,

delays certain expiration dates involving physician assistants and declares an emergency.

Miranda Creviston Motter, president and CEO at Ohio Association of Health Plans, reiterated general support for the bill while continuing to express concern the legislation gives the Ohio Pharmacy Board discretion to promulgate rules that are inconsistent with FDA standards and fails to provide any clear criteria or standards for the board to follow when deviating from the national standard.

SB HOSPITAL CARE (Lehner, P.) To provide for the designation of a lay person to provide after-care to a **314** hospital inpatient and participate in discharge planning. (**REPORTED-AMENDED (No testimony)**; 5th Hearing-Opponent & interested party)

The amendment was described by Chair Jones as being an LSC technical correction.

SB OUTPATIENT TREATMENT (Beagle, B.) Regarding minors and outpatient mental health treatment. **42** (**REPORTED (No testimony)**; 6th Hearing-Opponent & interested party)

Government Oversight & Reform

SJR CONGRESSIONAL REDISTRICTING (LaRose, F., Sawyer, T.) Proposing to enact Sections 1, 2, 3, 4, 5, **2** 6, 7, and 8 of Article XIX of the Constitution of the State of Ohio to revise the redistricting process for congressional districts. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Sawyer said the resolution would create a new redistricting process for the state's congressional districts in a similar fashion to the new process for drawing legislative districts.

Sen. Sawyer said any redistricting process must have a transparent and bipartisan line drawing process. In this case, the body would be made up of the governor, auditor, secretary of state and one member of the General Assembly from each caucus.

The process must also respect county and municipal boundaries, and should require any plan to receive two votes from the minority party.

"In any plan, it should be impossible to draw a map for the full 10 years without meaningful minority participation," he said.

Sen. Sawyer said he would support additional proposals from Sen. LaRose, as long as they uphold the principles he laid out in SJR2.

HB DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women **325** who are addicted to controlled substances to seek treatment. (**REPORTED**; 3rd Hearing-All testimony-Possible amendments & vote)

HBCIVIL FORFEITURES (McColley, R., Brinkman, T.) To modify the laws governing criminal and civil **347** asset forfeitures, to revise the procedures upon a writ of execution of goods claimed by a person other than the defendant, and to establish the offense of receiving proceeds of a drug abuse, theft, or human trafficking offense and permit the state to file a civil action against the person who allegedly committed that offense under certain circumstances. (**CONTINUED-AMENDED**; 3rd Hearing-All testimony-Possible amendments & vote)

HBCOMMISSION ELIMINATION (Brown, T.) To formally abolish certain boards and commissions that **471** have completed their work and to abolish the Compact with Ohio Cities Task Force. (**CONTINUED-SUBSTITUTE**; 2nd Hearing-All testimony-Possible amendments & vote)

The committee adopted a substitute bill and an amendment. The substitute, presented by Sen. Jordan, consists of the full report of the Sunset Review Committee, with more than 100 entities reauthorized and 54 to be sunset.

The committee also accepted an amendment from Sen. Balderson to create a nine-member Residential Construction Advisory Committee, with all members to be appointed by the director of Commerce.

HB FIREARMS (Maag, R.) To extend to handguns affirmative defenses to a charge of carrying a concealed **48** weapon or having or transporting a firearm in a motor vehicle, and to modify the prohibition against carrying a concealed handgun onto institutions of higher education, places of worship, day-care facilities, aircraft, certain government facilities, public areas of airport terminals and police stations, and school safety zones. (CONTINUED (See separate story); 3rd Hearing-All testimony-Possible amendments & vote)

SB USED TIRES (Hite, C., LaRose, F.) To prohibit the installation of unsafe used tires on certain motor **336** vehicles. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Hite said the bill would make it a misdemeanor for a tire supplier to install an unsafe tire on a vehicle, and establishes standards for what constitutes an unsafe tire.

"If Ohioans can't drive on unsafe used tires, businesses shouldn't be able to install them," he said.

The bill, he said, would protect drivers by ensuring safe tires are installed when they buy used tires for their vehicles.

Sen. Patton said he learned last year that some suppliers were selling new tires that were eight or nine years old, and could be unsafe, and asked if the bill would address that. Sen. Hite said the bill would focus on used tires.

Sen. Sawyer, testifying on another bill, praised the legislation as important but urged lawmakers to consider different tire designs and avoid a one-size-fits-all approach.

"It is important to bear in mind that tread designs vary enormously from tire design to tire design," he said.

SB LAND CONVEYANCES (Peterson, B.) To authorize the conveyance of, and the granting of perpetual **364** easements to, state-owned real property. (REPORTED-SUBSTITUTE; 2nd Hearing-All testimony-Possible amendments & vote)

The committee unanimously reported the bill after adopting a substitute bill and an amendment.

The substitute bill removes agricultural properties owned by the Department of Rehabilitation and Correction from sale, except for property near the facility in Orient, where a conservation easement is being added to the west side of the Big Darby Creek.

The amendment clarified that the easement would be on the west side of the Big Darby Creek.

The sub bill also required that the proceeds of the properties sold by Bowling Green State University, Kent State University and Ohio State University could be used for debt reduction only.

SC REBEL FLAG (Tavares, C., Thomas, C.) To urge the powers of the governments that continue to make **7** issuances containing the rebel flag to discontinue this practice, to urge the powers of the governments that fly the rebel flag or any flag containing imagery of the rebel flag on public property to remove those flags in question, to urge the powers of governments that have official state flags that contain imagery derived from the rebel flag to commence in the process of redesigning the official state flag immediately, to urge South Carolina's General Assembly to direct removal of the rebel flag from state property, and to urge Ohio retailers to remove from inventory any rebel flag merchandise. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Thomas said the proposal would call for state governments to remove the Confederate flag from state property or any state symbols. It was introduced in an effort to get South Carolina to remove the Confederate flag from its state capitol, which has been done.

Sen. Thomas said the flag is a symbol representing slavery, and that millions of people were killed under that system, both enslaved Africans in transport to the Americas and slaves.

"To those who say it is a heritage, I say you are entitled to your personal point of view," Sen. Thomas said. "However, your personal point of view should not be affixed to property that I pay taxes to maintain."

Chair Sen. Coley noted that the flag has been removed from the capitol in South Carolina, and said other issues relating to states' rights also played a role in the Civil War.

"I do note that while slavery was a huge part of the Civil War, it wasn't the only part," he said.

Financial Institutions

SB LOAN ACT (Peterson, B.) To create the Ohio Consumer Installment Loan Act. (CONTINUED; 2nd 355 Hearing-All testimony-Possible amendments)

Dayna Baird Payne, executive vice president of the Ohio Financial Services Association, said the bill would create a Consumer Installment Loan Act that would better apply to its members than the current Ohio Mortgage Loan Act.

"With the passage of the Short Term Lender Act in 2008, the make-up of licensed OMLA lenders has changed dramatically. We have seen many short-term or payday lenders migrate to the Ohio Mortgage Loan Act, as well as an increasing number of auto title short-term lenders," she said.

"OFSA members make much different loans to their customers than many other lenders operating under the same act. We believe that leads to confusion both for our customers and our regulators," she continued.

"Furthermore, OFSA members have been occasionally been confused with in media reports with short-term payday and auto title lenders due to the fact that they now operate under the OMLA as well."

She said the substitute bill is the product of discussions with the Department of Commerce about modernizing the industry.

Bob Whitehouse, vice president and general counsel of Eagle Financial Services, also said the measure will provide clarity in the industry, which responsibly makes installment loans to customers.

He said he supports the measure "because it creates a new portion of the Ohio Revised Code that pertains only to our industry and better reflects the type of loans we make - loans with longer terms payable in affordable equal monthly installments.

"Importantly, this legislation has additional provisions designed to keep different business models out of the new section," he added.

Kalitha Williams, the policy liaison for asset building at Policy Matters Ohio, said in written testimony that the non-profit opposes the measure because "installment loans are the newest iteration of payday lending."

"The loans have been designed to appear less harmful, but they are still exploitative to financially vulnerable families," she wrote. "Installment loans have longer loan periods, many stretching longer than a month, larger loan amounts ranging from a few hundred dollars to several thousand dollars, and many still have high costs, compromised of a combination of interest and a slew of fees - credit investigation fees, origination fees, and fees for junk add-on products."

Criminal Justice

HBCRIMINAL RECORDS (Barnes, J.) To enact the Fair and Accurate Reporting of Criminal Records Law, to 172require certain business entities that publish criminal record information to ensure that the information is complete and accurate, to provide a procedure by which a subject of published criminal record information may have incomplete or inaccurate information corrected or removed from the publication, and to provide

remedies for the failure of a business entity to remove or correct incomplete or inaccurate information.
(CONTINUED; 1st Hearing-Sponsor)

Rep. Barnes said the measure attempts to protect individuals who have been arrested but never charged or convicted but their mugshots are public record.

Those mugshots are posted on the internet and sometimes in magazines and the reputation of individuals in the pictures are placed in jeopardy, he said. There are currently methods for getting the pictures removed from public viewing, but they routinely involve paying the company that has possession of them.

The measure "creates a civil cause of action against a business entity that publishes any criminal record information that the business entity knows or about which it has received notice that a court has issued an order sealing or expunging the record," the sponsor said.

"Also, it creates a civil cause of action through which the Attorney General or a prosecuting attorney may seek civil penalties and injunctive relief against a business entity that fails to meet its obligations under the bill."

Sen. Williams asked if a judge can order that all records, including photographs, be sealed. He said the judge can seal records, but the individuals the bill would assist are those that never went before a judge, but their mugshots from arrests made it online or in a publication.

HBARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. (On Senate calendar Wednesday (See separate story); 4th Hearing-All testimony-Possible amendments & vote)

The committee accepted two amendments, including one that would put into the bill a definition of unoccupied that is based on the current legal definition of an occupied structure.

The second authorizes the Department of Rehabilitation and Correction to enter into negotiations and contract with privately held prisons to house inmates. (*See separate story*)

Chief Todd A. Owens of the City of Reading Fire Department, who testified on behalf of the Ohio Fire Chiefs Association, told the panel that arson is difficult to prosecute under current laws.

"Fire department investigators and police detectives investigating the crime of arson in unoccupied structures will benefit from the proposed language changes," he said. "The time and resources expended to locate property owners may be better utilized providing other essential services to the communities they serve."

Kevin O'Connor, fire chief for the City of Columbus - Division of Fire, shared similar sentiments.

"Under the current arson statute, a suspect cannot be charged with arson if evidence cannot be obtained that will show that the property owner did not give consent to the suspect to burn the structure," he said. "In the case of unoccupied structures, this creates a difficult situation."

"In many instances, our fire investigators cannot find the owners of these structures, and thus have difficulty collecting evidence that proves beyond a reasonable doubt that the owner did not give 'consent' to the suspect," he continued. "In many cases, the property owners of record do not reside in the city of Columbus or even the state of Ohio. Further, determination of the owner of such properties is often uncertain due to financial foreclosure, held in a company name or trust, or other legal processes."

Leon Daidone with the Chief Criminal Division in the Montgomery County Prosecuting Attorney's Office also submitted written testimony in support of the measure.

HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning.
405 (CONTINUED; 3rd Hearing-All testimony-Possible amendments & vote)

Barry Wilford with the Ohio Association of Criminal Defense Lawyers spoke out against the bill, saying it runs contrary to the desire to reduce prison populations because it puts mandatory sentences in place.

Presumptive prison terms, meanwhile, have been effective for those charged with importuning, he said in written testimony.

"There is a heavy price to be paid by abandoning judicial discretion in favor of mandatory prison terms," Mr. Wilford said.

Kari Bloom, legislative liaison for the Ohio Public Defender's Office, also asked the committee to set aside the legislation. Importuning is already a crime and already properly handled by current laws, she said.

Nancy Tapocsi, whose family was impacted by someone convicted of importuning but received only probation, submitted written testimony in support of the measure.

HBVOYEURISM (Anielski, M.) To include an impaired person as a victim of voyeurism and to include **439**conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. **(CONTINUED; 2nd Hearing-Proponent)**

Cleveland City Police Detective Cindy Bazilius shared the story of an offender in her city who was not convicted because her victims are impaired and could not physically communicate that a crime had occurred.

"It is vital that Ohio correct this loophole in our justice system to better ensure the safety of those individuals who are mentally or physically impaired," she said.

Camille Crary, a staff attorney for Ohio Alliance to End Sexual Violence, said that quantitative and qualitative data show that individuals with impairments are more vulnerable to sexual exploitation and violence. That's true particularly of those who need caregivers, she said, urging the committee to pass the bill which would provide protections for impaired individuals.

"Perpetrators who target individuals with disabilities are able to insert themselves into survivors' lives, often becoming a trusted caregiver before engaging in abuse," Ms. Crary said. "Similarly, perpetrators can restrict access to adaptive equipment or service animals, over-medicate as a means of control, or under-medicate as a means of retaliation or incentive to comply with demands."

"In addition, persons caring for individuals with disabilities can easily exploit lack of access to authorities or explain away injuries as merely being the product of a medical condition. Individuals with advanced age and other types of impairments are also highly susceptible to these types of tactics," she continued.

Holly Welsh, assistant Cuyahoga County prosecutor and director of state prosecutions for the Internet Crimes Against Children Task Force, also submitted written testimony in support of the measure.

HBPAROLE ELIGIBILITY (Manning, N.) To provide special parole eligibility dates for persons with an **521**indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing. **(CONTINUED; 2nd Hearing-All testimony-Possible amendments & vote)**

A number of witnesses testified on the bill, including residents who were advocating for loved ones behind bars and could have chance for parole hearings if the legislation becomes law.

Others opposed the bill because their family members were killed by someone they don't believe deserves a second shot.

Kari Bloom, legislative liaison for the Ohio Public Defender's Office, said the bill would bring the state in line with court decisions that have found children who commit crimes should be treated differently from adults.

The measure would create a parole review process for children who receive extended prison sentences after serving at least 15 years of their adult sentences, she said. It also directs the parole board on factors they must consider during the hearings.

She pointed to a more recent U.S. Supreme court decision in asking the panel to amend the bill to include language that would retroactively apply laws eliminating mandatory life sentencing with parole for youth. Sixteen other states have done so already, she said.

"The court has given our state a road map to improve sentencing for children who are bound over to adult court," she said.

However, John Murphy and James Flaiz with the Ohio Prosecuting Attorneys Association, said the bill goes beyond what is required by the court decision because it applies to all those serving 15 years or more.

Mr. Murphy said at least 62 offenders would be impacted by the bill, not counting those who entered the prison system after the age of 18 but committed the crime when they were younger. Of those identified, a majority are serving time for serious offenses such as murder and rape.

"Proponents argue that juveniles are less developed than adults and lack judgement and control, but this feature of the juvenile mind has long been known. It is why we have juvenile courts, and these factors were almost certainly taken into account by the sentencing judge in those cases where the judge has discretion," he said.

"Our concern is that the court already considered these issues in setting the sentence and now the parole board is to again considering the same factors to possibly reduce that sentence. The parole board should not have that authority."

The committee also received interested party testimony from Juvenile Justice Coalition, The Campaign for the Fair Sentencing of Youth and the Ohio Criminal Sentencing Commission.

SB DEATH SENTENCES (Seitz, B., Williams, S.) To provide that a person convicted of aggravated murder **162**who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. (**REPORTED-AMENDED**; 7th Hearing-All testimony-Possible amendments & vote)

The committee accepted an amendment from Sen. Seitz that would require offenders to prove that their serious mental illness exists at the time an offense was committed and not before or after.

Bob Spada, with the National Alliance on Mental Illness of Ohio, said the group is supportive of the amendment because while it's necessary to ensure those with mental illness are protected, it's also important that individuals aren't improperly seeking coverage under the legislation.

He said he hopes the bill results in enhanced access to appropriate mental health care.

"The majority of people with serious mental illness are not violent. In fact, according to the National Institute of Mental Health, individuals suffering from major brain disorders are eleven times more likely to be victims of crime than perpetrators of a crime," Mr. Spada said.

"However, lack of appropriate treatment can exacerbate the symptoms of serious mental illness and lead to negative outcomes such as homelessness, suicide, and criminal behavior."

SB SEXUAL CONDUCT (Hughes, J., Hottinger, J.) To prohibit a person from engaging in sexual conduct with

195an animal and related acts, to provide for the seizure and impoundment of an animal that is the subject of a violation, and to authorize a sentencing court to require an offender to undergo psychological evaluation or counseling. **(31-0; 5th Hearing-All testimony-Possible vote)**

Jason Cooke, an animal advocate who was instrumental in passing the state's first bestiality laws in the city of Warren, questioned why the bill wasn't moving through the legislature more quickly and offered amendments that he said would improve it.

He said the bill would be more effective if it included prohibitions against offenders being near animals or owning them even after parole. He also asked that the law include fish and that bestiality be a first-degree misdemeanor instead of a second-degree misdemeanor as the bill currently states.

SB DRUG VOLUME (LaRose, F.) To provide that five milligrams or more of fentanyl or an amount equal to or **237**exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamphetamine to the list of schedule II controlled substances. **(REPORTED-SUBSTITUTE-AMENDED (See separate story); 5th Hearing-All testimony-Possible amendments & vote)**

SB CASINO OPERATORS (Seitz, B.) To specify that the criminal penalty related to casino operators and **265**employees participating in casino gaming applies at their casino facility or an affiliated casino facility. **(REPORTED (No testimony); 5th Hearing-All testimony-Possible amendments & vote)**

SB SEXUAL IMPOSITION (Hughes, J.) To increase the penalty for sexual imposition when the offender **316**previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses. **(CONTINUED; 2nd Hearing-Proponent)**

Camille Crary, a staff attorney for Ohio Alliance to End Sexual Violence, said the legislation is "a balanced measure that approaches repeat sex offenses with an appropriate degree of increasing severity."

"Our agency feels that mandating that repeat offenders of these specific sex crimes serve their jail term separate and apart from penalties for other crimes is a critical means for both acknowledging and addressing the harm created by repeat sex offenses," she said.

The Ohio Prosecuting Attorneys Association, Ohio Domestic Violence Network submitted written testimony in support of the measure.

Governor's Appointments: The committee confirmed governor's appointments of Larry Mincks, Sr. and Christopher Viland to the Ohio Organized Crime Investigations Commission; Kimberley Jacobs, Vernon Stanforth and Reginald Wilkinson, to the Ohio Peace Officer Training Commission; and Carol O'Brien to the Ohio Organized Crime Investigations Commission.

Civil Justice

HBCCW LICENSES (Terhar, L.) To waive the concealed carry license fee for active members of the armed **235**forces and retired and honorably discharged veterans and to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience. **(CONTINUED (No testimony); 4th Hearing-Proponent & opponent-Possible amendments & vote)**

HBESTATE LAW (Cupp, R., Rezabek, J.) To revise the law governing decedent's estates by making changes in **432**the Ohio Trust Code, the Probate Law, the Uniform Principal and Income Act, the Transfers to Minors Act, and the Uniform Simultaneous Death Act. **(REPORTED-AMENDED; 2nd Hearing-Proponent & opponent-Possible amendment & vote)**

Two attorneys testifying on behalf of the Ohio State Bar Association encouraged the panel to report the measure.

Attorney Roy Krall said the measure updates the Uniform Simultaneous Death Act, allows for the deposit of a will to be made either before or after a testator's death and allows for delayed distribution beyond the age of 21 of custodial property transferred under a will, trust or exercise of a testamentary power of appointment.

"The proposal also clarifies who has the right to name a successor custodian if one is not already named and the named custodian dies or can no longer serve," he said. "Finally, the creation of a custodianship that is not authorized by a will, trust, or other governing instrument is allowed if certain conditions are met and court approval is necessary where the value of the custodial property exceeds \$10,000."

Retired attorney Robert Brucken laid out several other provision contained in the bill, including an amendment to the Estate Tax Apportionment Act and an amendment to the Ohio Uniform Power of Attorney Act.

"As you can see, HB 432 covers many areas of the probate code that need some modification," he said.

Another piece of legislation ([HB 358](#)) was added to the measure through an amendment.

HB PROTECTION ORDERS (Boose, T.) To provide that an individual's statutory priority to decide whether or [451](#) not to withhold or withdraw life-sustaining treatment for the individual's relative is forfeited if the individual is the subject of a temporary protection order or civil protection order and the relative is the alleged victim or if the individual and the relative are married and the parties to a divorce, dissolution, legal separation, or annulment proceeding. (CONTINUED; 2nd Hearing-Proponent & opponent-Possible vote)

The mother of Maria Vera, whose murder led to the legislation, urged the committee to pass the bill.

Her daughter was murdered by her estranged husband, and her family sought to donate her organs. However, by the time her husband allowed that to happen, they could no longer be harvested.

"Her children will never meet someone whose life their mother saved," Ms. Vera said.

Phyllis Carlson-Riehm of the ACTION OHIO Coalition For Battered Women told members of the panel in written testimony that the legislation "reflects the power and control dynamics of domestic violence and denies an abuser who is subject to a protection order the right to withhold or withdraw life-sustaining treatment to his or her victim."

"With the passage of House Bill 451, the abuser will no longer be able to make those most critical decisions affecting the victim's life within the healthcare setting. The Victim needs to be finally free from the hold of her or his abuser," she said.

HB MORTGAGE FORECLOSURES (Dever, J.) To establish expedited actions to foreclose mortgages on [463](#) vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (CONTINUED-SUBSTITUTE; 2nd Hearing-Proponent & opponent-Possible amendments)

Scott Ziance testifying on behalf of NAIOP of Ohio told the panel that the "legislation will make these two real property tax incentive programs consistent with Ohio's other key real property tax incentives programs - enterprise zone exemptions and tax increment financing (TIF) exemptions."

"For both enterprise zone exemptions and TIF exemptions, the exemption applies to the entire increase in assessed value after a project is commenced. They are easy to understand, easy to predict, and easy to administer," he said.

He said the legislation will also eliminate "nasty tax surprises that developers sometimes receive on difficult redevelopment projects."

"Developers and communities that are undertaking difficult redevelopment projects face enough uncertainties. HB 463 will eliminate some of them," he said.

Dave Dickerson of the Miller Valentine Group and the Ohio State Bar Association also provided testimony on the measure.

A substitute version of the bill contains revisions to the Ohio Uniform Commercial Code, edits that clarify the expedited foreclosure language, and provisions on partial property tax exemptions for brownfield properties.

HB CHILD ABUSE REPORTING (Sears, B., Ryan, S.) To make changes in the child abuse and neglect **493** reporting law. (**REPORTED (No testimony)**; 2nd Hearing-Proponent & opponent)

HB CHILD ABUSE REPORTING (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse **63** or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (**CONTINUED (No testimony)**; 2nd Hearing-Proponent & opponent)

SB EMPLOYMENT LAW (Seitz, B.) To modify Ohio civil rights laws related to employment and the statute **268** of limitations for other specified claims against an employer. (**CONTINUED-SUBSTITUTE (See separate story)**; 3rd Hearing-Proponent & opponent-Possible amendments & vote)

SB PREGNANCY ACCOMMODATIONS (Jones, S., Cafaro, C.) To enact the "Pregnancy Reasonable **301** Accommodation Act" to generally require employers to make reasonable accommodations for employees who are pregnant or breastfeeding. (**CONTINUED-SUBSTITUTE**; 4th Hearing-Proponent & opponent-Possible amendments)

The measure has the support of the Catholic Conference of Ohio, according to Associate Director Jim Tobin.

"Our church strongly supports the needs of pregnant women and their children," he said. "We believe this bill provides reasonable and needed accommodations for pregnant women in the workforce."

A substitute version of the bill aligns with current Ohio civil rights law remedies, creates a one-year statute of limitations on claims and requires additional reasonable accommodation protections for employers, including the ability to ask for documentation from a health care provider.

SB DIGITAL ASSETS (Oelslager, S.) To adopt the Revised Uniform Fiduciary Access to Digital Assets Act. **358** (**CONTINUED**; 2nd Hearing-Proponent & opponent)

Testifying on behalf of the Ohio State Bar Association, Mark Watson told the panel that the measure will implement the Revised Uniform Access to Digital Assets Act, and amend The Ohio Uniform Power of Attorney Act.

"Under the bill, Internet users have several options: if the custodian (the company that stores the user's digital assets on their servers) provides for an online tool, the user may use the online tool to designate who may access the user's digital assets. If a custodian does not provide an online tool option or if the user declines to use an online tool, the user may give enforceable directions for access to their digital assets in traditional estate planning documents such as a will, trust or power of attorney," he said.

"If there are no directions given by a user with an online tool or in the user's estate planning documents, the terms-of-service agreements of the user's accounts will determine fiduciary access; and if the terms-of-service agreements are silent regarding fiduciary access, the default rules of the bill will apply. The new chapter permits users, their fiduciaries and custodians to have certainty in dealing with digital assets."


The bill was rolled into another measure (HB 432) through an amendment.

Subscriber's note: Full testimony is available on the [committee's website](#) under Nov. 30.

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Legislative Committees

~~Canceled: **Senate Financial Institutions** (Committee Record) (Chr. Hughes, J., 466-5981), Finance Hearing Rm., 9 a.m.~~

SB LOAN ACT (Peterson, B.) To create the Ohio Consumer Installment Loan Act. (3rd Hearing-All testimony-Possible amendments & vote)

Senate Transportation, Commerce & Labor (Committee Record) (Chr. LaRose, E., 466-4823), North Hearing Rm., 9:30 a.m.

SB LICENSE PLATE (Uecker, J.) To create the Down Syndrome Awareness license plate. (1st Hearing-359 Sponsor)

HBTRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise 341 the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (3rd Hearing-PropONENT & interested party-Possible amendments & vote)

HBBOARDING SCHOOL ZONE (Patterson, J., Roegner, K.) To authorize a municipal corporation or 455 township to establish a boarding school zone and a special speed limit within that zone. (3rd Hearing-All testimony-Possible amendments & vote)

SB FRONT LICENSE PLATE (Thomas, C.) To specify that failure to display a license plate on the front of a 202 motor vehicle that is required to display a license plate on the front and rear of the vehicle is a secondary traffic offense, to establish a maximum fine of \$25 for such an offense, to name this act the "DuBose Was A Beacon Act," and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. (1st Hearing-Sponsor)

HBDUI SENTENCES (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a 436 second-time OVI offender to order the termination of the mandatory immobilization order. (2nd Hearing-All testimony-Possible amendments & vote)

HBPROFESSIONAL ENGINEERS (Landis, A., Blessing, L.) To require professional engineers to complete 236 continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices. (4th Hearing-All testimony-Possible amendments & vote)

SB ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. 249 (3rd Hearing-All testimony)

SB VEHICLE SALVAGE DEALERS (Eklund, J.) To amend the law regulating motor vehicle salvage dealers. 334 (1st Hearing-Sponsor)

Senate Public Utilities (Committee Record) (Chr. Seitz, B., 466-8068), Finance Hearing Rm., 9:45 a.m.

- Confirmation hearing on governor's appointments of M. Howard Petricoff, Public Utilities Commission of Ohio and Dale Arnold, Shawn Nelson, Christopher Allwein and Kevin Murray, Public Benefits Advisory Board.
- Confirmation hearing on Attorney General's appointments of Fred Cooke, Gene Krebs and Roland Taylor, Ohio Consumers' Counsel Governing Board

House Finance (*Committee Record*) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (4th Hearing-All testimony-Possible amendments, substitute & vote)
SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the **331** Director of Agriculture to license pet stores. (2nd Hearing-All testimony-Possible substitute)
SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (2nd Hearing-Possible substitute)
SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs. (2nd Hearing-Possible substitute)

House Government Accountability & Oversight (*Committee Record*) (Chr. Blessing, L., 466-9091), Rm. 114, 10 a.m.

HB UNEMPLOYMENT COMPENSATION (Schuring, K.) To increase the taxable wage base under the **620** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (2nd Hearing-Opponent)

Senate Rules & Reference (*Committee Record*) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 10 a.m.

Senate Ways & Means (*Committee Record*) (Chr. Peterson, B., 466-8156), South Hearing Rm., 10 a.m.

HB TAX EXEMPTION (Buchy, J.) To exempt memberships to gyms or other recreational facilities operated by **334** nonprofit organizations from sales and use taxation. (1st Hearing-Sponsor)
SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the **246** purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (5th Hearing-All testimony-Possible amendments & vote)
SB UNEMPLOYMENT COMPENSATION (Peterson, B.) To increase the taxable wage base under the **374** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (2nd Hearing-All testimony)

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 11 a.m.

Agency Calendar

Elections Commission, 77 S. High St., 31st Floor East B, Columbus, 10 a.m.

State Chiropractic Board, 77 South High Street, 16th Floor, Columbus, 10:30 a.m.

Event Planner

Lobbyists can begin renewing Legislative, Executive, and Retirement System registrations

Ohio Statehouse Holiday Festival and Tree Lighting, 5:30 p.m.

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Ohio Report, Thursday, December 1, 2016

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Senate Passes Bills On Arson, Opioids Amid Discussion On Prison Overcrowding

Changes Accepted For Opioid, Infant Mortality Bills

Senate Panel Recommends Rejection Of Kasich PUCO Appointee Petricoff

Opponents Of UC Overhaul Ask House Panel To Scrap Measure; Senate Hears Mixed Reviews On Companion Bill

Latest Towing Industry Overhaul Bill To Receive Changes, Vote Next Week

Opponents Say Pet Store Bill Violates Home Rule, Contains Loopholes

Health Department Revokes Dayton-Area Abortion Clinic License

Husted Certifies Election, Pegs Voter Turnout At 71%

Dems Join Popular Vote Effort; ODP Slams DeWine On Drug Epidemic; Congressional Dems Skeptical Of Trump Picks; Prez-elect Kicks Off 'Thank You Tour'

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Legislative Committee Schedules beginning 12/2/2016

Monday, December 5

House Education (Committee Record) (Chr. Brenner, A., 466-6711), Rm. 121, 1:30 p.m.

- Presentation from the Ohio Department of Education on Math and English Standards

HB STUDENT EXPULSIONS (Kunze, S.) With respect to the expulsion of a student from a school district, 498 community school, or STEM school for communicating a threat of violence to occur on school grounds. (3rd Hearing-All testimony-Possible substitute & vote)

SB EDUCATION INFORMATION (LaRose, F.) To require the Education Management Information System to 168 include information regarding persons at whom a student's violent behavior that resulted in discipline was directed and to require the Department of Education to submit a one-time report to the General Assembly regarding that information. (2nd Hearing-All testimony-Possible vote)

SB EDUCATION LAWS (Hite, C., Faber, K.) To exempt high-performing school districts from certain laws; to 3 revise the law regarding the administration of state primary and secondary education assessments; to permit school districts to contract with hospitals, health care professionals, and educational service centers for school health services; to revise the competitive bidding threshold for school building and repair contracts; and to require the School Facilities Commission to develop a legislative proposal assisting high-performing school districts in purchasing technology, building expansion, and physical alterations to improve school safety or security. (5th Hearing-Possible amendments)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 3 p.m.

HB UNEMPLOYMENT COMPENSATION (Schuring, K.) To increase the taxable wage base under the 620 Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (3rd Hearing)

HJR COURTS OF CONCILIATION (Amstutz, R., Curtin, M.) Proposing to repeal Sections 19 and 22 of 12 Article IV of the Constitution of the State of Ohio to adopt the recommendation of the Ohio Constitutional Modernization Commission to eliminate the authority of the General Assembly to establish courts of conciliation and to eliminate the authority of the Governor to appoint a supreme court commission. (1st Hearing-Sponsor)

HJR STATE BONDING (Amstutz, R., Curtin, M.) To adopt the recommendations of the Ohio Constitutional 13 Modernization Commission relative to the issuance of general obligation bonds to pay the costs of facilities for mental health and developmental disabilities, parks and recreation, and housing of agencies of state government and relative to the elimination of obsolete provisions concerning bond authorization, the sinking fund, and the Sinking Fund Commission. (1st Hearing-Sponsor-Pending referral)

HB SUNSET REVIEW LAW (Amstutz, R.) To revise and renew the Sunset Review Law, to require that a 613 Sunset Review Committee be convened to function during each oddnumbered General Assembly, and to declare an emergency. (3rd Hearing-All testimony)

Tuesday, December 6

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (5th Hearing-All testimony-Possible amendments & vote)

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the Director of Agriculture to license pet stores. (3rd Hearing-All testimony-Possible amendments & vote)

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services. (3rd Hearing-All testimony-Possible amendments & vote)

SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs. (3rd Hearing-All testimony-Possible amendments & vote)

House Energy & Natural Resources (Committee Record) (Chr. Landis, A., 466-8035), Rm. 114, 9:30 a.m.

HB INJECTION WELLS (Phillips, D.) To prohibit injection of brine and other waste substances except in class I injection wells, to prohibit the conversion of oil and gas wells, to require municipal or township approval prior to the issuance of an oil or gas well permit, and to levy a fee on the injection of brine and other waste substances into a class I injection well. (1st Hearing-Sponsor)

Joint Legislative Ethics Committee (Chr. Rosenberger, C., 728-5100), Rm. 113, 9:30 a.m.

- Meeting closed to the public.

Senate Insurance (Committee Record) (Chr. Hottinger, J., 466-5838), South Hearing Rm., 10:30 a.m.

HBOVI OFFENSES (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition interlock device to first-time OVI offenders, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses. (3rd Hearing-Opponent-Possible vote)

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 1:30 p.m.

HB JOBSOHIO (Johnson, G., Smith, K.) To allow the Auditor of State to conduct full audits of JobsOhio, to require all nonprofit economic development corporations that receive public funds to make annual disclosures related to both their public and private funds, and to require that JobsOhio submit a quarterly progress report detailing all of its active projects. (1st Hearing-Sponsor)

HCRPETE ROSE (Kuhns, C., Sheehy, M.) To urge the Commissioner of Major League Baseball to remove Peter Edward "Pete" Rose from Major League Baseball's permanently ineligible list as soon as possible and to urge the Baseball Writers' Association of America and the National Baseball Hall of Fame to include Rose on the Hall of Fame ballot. (1st Hearing-Sponsor)

HB PUCO MEMBERSHIP (Leland, D.) To require that each major political party be represented on the Public Utilities Commission, to specify that not more than three commissioners may belong to or be affiliated with the same major political party, and to require that Public Utilities Commission Nominating Council lists of nominees include individuals who, if selected, ensure that each major political party is represented on the Commission. (1st Hearing-Sponsor)

HB STATE INSTITUTIONS (Lepore-Hagan, M., Gerberry, R.) To establish provisions regarding the possible closing, sale, or privatization of state institutional facilities. (1st Hearing-Sponsor)

HB HEARING BROADCASTS (Retherford, W., Ramos, D.) To require the Ohio Government
108 Telecommunications service to broadcast all standing committee meetings of the Ohio House of
 Representatives as they occur. (1st Hearing-Sponsor)

HB PAY RAISES (Rogers, J., Celebrezze, N.) To increase judicial salaries and the salaries of county elected
263 officials, township trustees, township fiscal officers, and boards of elections members, to reinstate the
 annual cost of living adjustment to their salaries, and to make appropriations. (1st Hearing-Sponsor)

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

Senate Education (Committee Record) (Chr. Lehner, P., 466-4538), Finance Hearing Rm., 4 p.m.

HB TRUANCY (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school
410 attendance. (6th Hearing-All testimony-Possible amendments & vote)

HB WEEK DESIGNATION (Patterson, J.) To designate the week prior to the week of Thanksgiving Day as
438 "Ohio Public Education Appreciation Week." (2nd Hearing-All testimony-Possible amendments & vote)

SB SCHOOL YEAR (Manning, G.) To generally require public and chartered nonpublic schools to open for
346 instruction after Labor Day. (3rd Hearing-Proponent & interested party)

Wednesday, December 7

House Health & Aging (Committee Record) (Chr. Gonzales, A., 466-4847), Rm. 116, 9:30 a.m.

SB AWARENESS DAY (Jones, S.) To designate May 1 as "Fanconi Anemia Awareness Day." (1st Hearing-All
312 testimony-Possible vote)

SB FLU VACCINE (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine
311 information sheet pertaining to older adults. (1st Hearing-Sponsor)

HB CONTRACEPTION COVERAGE (Lepore-Hagan, M., Bishoff, H.) Regarding coverage for prescription
132 contraceptive drugs and devices, the provision of certain hospital and pregnancy prevention services for
 victims of sexual assault, and comprehensive sexual health and sexually transmitted infection education in
 schools. (1st Hearing-Sponsor)

HB STUDENT IMMUNIZATIONS (Ramos, D.) To make changes to the law governing immunizations for
564 pupils. (1st Hearing-Sponsor)

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 10 a.m.

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property
235 on which industrial or commercial development is planned until the completion of new commercial or
 industrial facilities at the property. (6th Hearing-All testimony-Possible amendments & vote)

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the
331 Director of Agriculture to license pet stores. (4th Hearing-All testimony-Possible amendments & vote)

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice
319 of pharmacy, and the provision of addiction services. (4th Hearing-All testimony-Possible amendments &
 vote)

SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations
332 made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain
 prescribed drugs. (4th Hearing-All testimony-Possible amendments & vote)

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 122, 10 a.m.

- Agenda to be announced.

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

Thursday, December 8

House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 114, 8:30 a.m.

- If needed. Agenda to be announced.

House Finance (Committee Record) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m.

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (7th Hearing-All testimony-Possible amendments & vote)

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the **331** Director of Agriculture to license pet stores. (5th Hearing-All testimony-Possible amendments & vote)

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (5th Hearing-All testimony-Possible amendments & vote)

SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs. (5th Hearing-All testimony-Possible amendments & vote)

~~Canceled: **Ohio Retirement Study Council** (Committee Record) (Chr. Beagle, B., 228-1346), Rm. 121, 9 a.m.~~

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 10 a.m.

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 11 a.m.

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 1 p.m.

Monday, December 12

Joint Committee on Agency Rule Review (Committee Record) (Chr. Uecker, J., 466-4086), Senate Finance Hearing Rm., 1:30 p.m.

Tuesday, December 13

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 11 a.m.

- If needed

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

- If needed

Wednesday, December 14

Senate Rules & Reference ([Committee Record](#)) (Chr. [Faber, K.](#), 466-7584), Majority Conf. Rm., 11 a.m.

House Session (Chr. [Rosenberger, C.](#), 466-3357), House Chamber, 1:30 p.m.

- If needed

Senate Session (Chr. [Faber, K.](#), 466-4900), Senate Chamber, 1:30 p.m.

- If needed


Thursday, December 15

Joint Medicaid Oversight Committee ([Committee Record](#)) (Chr. [Burke, D.](#), 466-1731), Senate Finance Hearing Rm, 9 a.m.

Senate Rules & Reference ([Committee Record](#)) (Chr. [Faber, K.](#), 466-7584), Majority Conf. Rm., 10 a.m.

Senate Session (Chr. [Faber, K.](#), 466-4900), Senate Chamber, 11 a.m.

- If needed

NOTE: Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

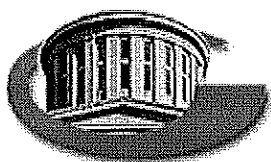
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GONGWER Ohio
The Record of Capitol Square Since 1906

House Activity for Thursday, December 1, 2016

INTRODUCED

HJRSTATE BONDING (Amstutz, R., Curtin, M.) To adopt the recommendations of the Ohio Constitutional **13** Modernization Commission relative to the issuance of general obligation bonds to pay the costs of facilities for mental health and developmental disabilities, parks and recreation, and housing of agencies of state government and relative to the elimination of obsolete provisions concerning bond authorization, the sinking fund, and the Sinking Fund Commission.

COMMITTEE HEARINGS

Government Accountability & Oversight

HBUNEMPLOYMENT COMPENSATION (Schuring, K.) To increase the taxable wage base under the **620** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (CONTINUED (See separate story); 2nd Hearing-Opponent)

Subscriber's note: Full testimony is available on the [committee's website](#) under Dec. 1.

Finance

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (CONTINUED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments, substitute & vote)

The committee adopted a substitute bill that changes how the proposed exemptions would interact with existing Tax Increment Financing agreements. ([Comp doc](#))

"It would go back to the local jurisdiction which would allow the people who enacted the TIF to determine how the exemptions would interact with that," Chair Rep. Smith said.

The substitute version of the bill also changes a 10-year limit for the exemptions to six years, Rep. Smith said, and includes a recoupment provision going back three years if someone sits on the property and sells it when the value increases.

In written testimony, the Ohio Association of School Business Officials, the Ohio School Boards Association and the Buckeye Association of School Administrators voiced opposition to the bill, saying it would decrease property tax revenue that schools take in and require taxpayers with other commercial property to pay more than their fair share.

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (CONTINUED-SUBSTITUTE (See separate story); 2nd Hearing-Possible substitute)

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the


331 Director of Agriculture to license pet stores. (CONTINUED (See separate story); 2nd Hearing-All testimony-Possible substitute)

SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs. (CONTINUED-SUBSTITUTE (See separate story); 2nd Hearing-Possible substitute)

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Click the  after a bill number to create a saved search and email alert for that bill.

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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #231 -- Thursday, December 1, 2016

Senate Passes Bills On Arson, Opioids Amid Discussion On Prison Overcrowding

Unswayed by concerns of overcrowding in state prisons, senators approved measures Thursday allowing inmates to be moved to private prisons and increasing mandatory sentences for possession and trafficking of opioids.

The pair were among four bills approved by the Senate. A fifth bill ([HB 470](#)) pertaining to palliative care facilities and including a requirement to cover autism-related treatments was informally passed to be acted on at a later date.

Other measures passed Thursday include a bill ([SB 265](#)) from [Sen. Bill Seitz](#) (R-Cincinnati) to permit casino workers to gamble at casinos owned by companies for which they are not employed and a bill ([SB 271](#)) with an emergency clause from [Sen. Lou Gentile](#) (D-Steubenville) to permit a police officer to buy a police dog or horse at fair market value upon their retirement. Both passed 27-0.

But most floor discussion centered on the corrections-related bills, which passed by respective 25-1 and 25-2 margins.

The first was a bill ([HB 185](#)) eliminating the lack of a property owner's consent as an element of arson. Language allowing the Department of Rehabilitation and Correction to move Ohio inmates to private prisons was added Wednesday in a committee. (See [Gongwer Ohio Report, November 30, 2016](#))

An amendment from [Sen. Cecil Thomas](#) (D-Cincinnati) adopted on the floor by a 24-3 vote deleted language permitting the DRC director, in lieu of demonstrating at least a 5% savings for such a contract, to certify a contract will have a positive effect on reducing inmate population density. Republican Sens. Bob Hackett, Kris Jordan and Bill Seitz opposed the change.

[Sen. John Eklund](#) (R-Chardon) said the arson bill would better equip prosecutors and help reduce the population density of prisons. But opponents, like the ACLU of Ohio, have said they believe the bill will do the opposite.

"Sending these prisoners to a private prison, whose sole mission is to reap profits from incarceration, does not address the underlying problem in our overcrowded prisons, and may actually make it worse," ACLU Assistant Policy Director Jocelyn Rosnick said. "Ohio prisoners could now be sent to a prison with a troubling history which was deemed unfit for federal prisoners even though the structure and the operation of the prison remain unchanged."

The bill ultimately passed with only [Sen. Michael Skindell](#) (D-Lakewood) voting against it. He questioned whether the bill violates the single subject rule and will further crowd Ohio's prisons.

"I think we have reached capacity in our prisons already," Sen. Skindell said. "We should not be opening our doors to accept out of state prisoners."

Sen. Eklund ultimately rejected that notion, saying there is nothing in the bill that would permit an out of state prisoner to be sent into Ohio.

Sen. Skindell expressed similar concerns of further overcrowding with the drug bill ([SB 237](#)). In addition to lowering the fentanyl and carfentanil volume threshold, the bill puts a mandatory 3-8 year sentence on top of other drug possession or trafficking charges major drug offenders face.

"The testimony that came out of the committee is very concerning to me that those bills not only sweep up those drug traffickers but it will sweep up a lot of drug users," Sen. Skindell told colleagues. Though the state should take action, he said the key "is not opening up prison doors. It's opening up treatment facilities."

Sen. Eklund disagreed the bill would have that impact.

"This notion that this bill will somehow sweep up low level users, low level possessors who are the people that are really busting the prisons open...the sponsor in my opinion did a tremendous job anticipating and crafting the bill in such a way as to avoid it," he said.

Sen. Seitz, offering Democrats what he called "friendly advice in the spirit of Christmas," urged his colleagues across the aisle to support the measure.

"It would be a big mistake for you guys to vote no on this bill," he told Democrats, noting their "diminished" numbers. "We're talking about elephant tranquilizers, folks."

Sen. Frank LaRose (R-Copley) added that a lethal dose of fentanyl is measured in micrograms and that therefore for a low-level user to be impacted by the bill "the individual user would have to have as much of this stuff to kill themselves many times over and their friends under this bill."

Changes Accepted For Opioid, Infant Mortality Bills

A House panel on Thursday accepted substitute versions that added and tweaked a number of provisions in bills aimed at drug abuse and infant mortality.

The drug measure ([SB 319](#)), which is mainly focused on preventing the diversion of narcotic painkillers, picked up provisions providing civil immunity to police officers who deliver the drug naloxone and increasing prior authorization requirements for opioid prescriptions.

That substitute bill, accepted by the House Finance Committee, would also require patients to fill a prescription for narcotics within 14 days, and allow for some mental health boards that cannot provide a full continuum of care service a waiver to get those services in place, said Rep. Robert Sprague (R-Findlay), who chaired the Health and Human Services Subcommittee that heard the bill. ([Comp doc](#))

"There was some concern among the deputies that they would be liable for civil charges if they misadministered naloxone," he said of the immunity provision.

The prior authorization requirements will mean prescribers will have to justify medical necessity for certain prescriptions beyond three months, above 80 morphine equivalent doses or in conjunction with benzodiazepine, Rep. Sprague said.

Changes to the continuum of care are designed to match changes in the state's behavioral health Medicaid redesign, he said. The waiver options will allow the Department of Mental Health and Addiction Services to assist if a local board is unable to provide all of the care in the continuum.

"It implements a waiver for those boards that have been unable to deliver certain pieces of the continuum of care, like medication-assisted treatment, in their own districts," he said in an interview.

Rep. Emilia Sykes (D-Akron), who also served on the subcommittee, said the committee should also consider more funding for local providers battling the opioid abuse crisis, such as local treatment centers.

"We are certainly in the midst of a public health crisis with regard to the opioid and heroin addiction issue," she said.

The changes to the infant mortality bill (SB 332) included a provision allowing some mesh crib liners. The bill's ban on crib bumper pads, which can suffocate children, raised some concern from manufacturers of mesh crib liners, which are designed to keep infants from getting stuck in crib slats while being more breathable. (See Gongwer Ohio Report, November 16, 2016)

The new version of the bill allows crib mesh liners for three years while still outlawing the bumper pads, Rep. Sprague said. After three years, the mesh liners will be allowed only if the Consumer Product Safety Council has established permeability and breathability standards for the items.

Changes were also made to clarify that a unified statewide system for the home visiting portion of the federal Help Me Grow program would not include parts of the program regarding early intervention that are managed by county boards of developmental disabilities, the lawmaker said.

"This language is more clarification language than anything else. It simply says that we're going to keep the early intervention piece of Help Me Grow as it stands now with the developmental disabilities boards," he said.

The new version also requires the Department of Health to create a Stillborn Education Program and collect data on the number of stillbirths in the state.

Senate Panel Recommends Rejection Of Kasich PUCO Appointee Petricoff

A committee on Thursday recommended the Senate reject Gov. John Kasich's recent appointment to the Public Utilities Commission of Ohio.

While acknowledging that Democrat Howard Petricoff is clearly qualified for the position, Republican members of the Senate Public Utilities Committee nevertheless said they have insurmountable concerns about the process of the appointment and the number of recusals the longtime energy attorney would be forced to make.

Before the 8-1 vote, Chairman Sen. Bill Seitz (R-Cincinnati) said Mr. Petricoff had a "long and illustrious" career, but that other concerns outweighed those qualifications. "We're not saying he's a bad man in any way, shape or form. He's a very fine man," he said. "We wish him all the best."

Sen. Lou Gentile (D-Steubenville) - the only Democrat member in attendance - was the sole vote in support of Mr. Petricoff's appointment. Democrats have long pressed for a Democratic appointment to the commission, which before Mr. Petricoff consisted of only Republicans and independents.

"I do believe we should confirm Mr. Petricoff," Sen. Gentile said. "I believe he is extremely qualified for the position and deserves the advise and consent of this committee."

The full Senate must now vote on the matter, assuming the governor or Mr. Petricoff do not withdraw the nomination from consideration.

Senate President Keith Faber (R-Celina), calling Mr. Petricoff "a good man," said the Rules & Reference Committee will likely take up the recommendation at its Tuesday meeting, clearing the way for a floor vote as early as that day.

"This isn't about the relationship between Keith Faber and John Kasich," Senator Faber said. "It's not about the relationship between the Senate and the governor, not even the relationship between the Senate and Howard Petricoff. This is about the constitutional process."

Gov. Kasich, after making a rare speech to the Senate in which he discussed his faith and history in the chamber, declined to take questions, referring to a spokesperson. Governor's spokeswoman Emmalee Kalmbach said the office will have a statement on the matter "at the appropriate time."

Sen. Seitz said the "concerns about the process" arose after chamber leaders advised the governor in advance against appointing Mr. Petricoff. The governor, he said, ignored those concerns.

"I think the Senate president conveyed to the governor's office that the Senate president was not enamored of this pick and asked that the governor not pick this fellow," Sen. Seitz said, adding that he wasn't involved in those talks. "That was the process. The governor was asked not to pick this fellow and the governor picked him anyway."

Sen. Faber declined to comment in detail on his talks with the governor.

"When the Senate has a concern about a particular appointee we express that concern. We express that ahead of time if we're given the opportunity and certainly we express that in our confirmation process," he said.

Acknowledging such a rejection is a rare occurrence, Sen. Faber said, "Maybe it ought to be a little more frequent that the Senate exercises that constitutional authority."

The last time the Senate rejected a gubernatorial appointee was in 2010 under Democratic Gov. Ted Strickland when a Republican-led Senate voted 15-18 against the appointment of Cathy Collins-Taylor as director of the Department of Public Safety. (See [Gongwer Ohio Report, May 25, 2010](#))

Rep. David Leland (D-Columbus) said the committee's rejection shows the need for his bill ([HB 122](#)), which would require all political parties to be represented on the PUCO by at least one member.

"The Senate's rejection of Mr. Petricoff is a case in point as to why reform is needed in the way Ohio's public utility law has been interpreted in recent years," Rep. Leland said in a statement. "In Mr. Petricoff, it seems we have a qualified and experienced choice that would bring balance and diversity in philosophy to the work of the commission, but recent party-line appointments have empowered lawmakers to put political party above all else."

The same day that Gov. Kasich announced Mr. Petricoff's appointment, Sen. Faber called for hearings citing concerns from his caucus. (See [Gongwer Ohio Report, June 23, 2016](#))

Three weeks after the appointment, Mr. Petricoff was sworn in and took his seat on the panel. The Senate committee held an informal hearing in July, during which members heard from Mr. Petricoff and debated their concerns. (See [Gongwer Ohio Report, July 12, 2016](#))

Before being selected by the governor, Mr. Petricoff, a Democrat who would have restored some bipartisan balance to the high-stakes utility regulatory commission, represented a variety of energy industry interests before the PUCO and the General Assembly.

Opponents Of UC Overhaul Ask House Panel To Scrap Measure; Senate Hears Mixed Reviews On Companion Bill

One day after proponents of an overhaul to the state's unemployment compensation system urged swift passage of the bill, opponents on Thursday called for major changes to the legislation.

The overriding complaint among the bill's critics was that it achieves its goal of making the unemployment compensation fund solvent largely on the backs of employees. Meanwhile, the Senate Ways & Means Committee heard a mixture of testimony on companion legislation.

By 2030, benefit cuts are expected to top \$3.5 billion while employer taxes are projected to increase by \$716 million over that same time, according to Zach Schiller, research director at Policy Matters Ohio.

"That means that unemployed workers would be paying for 83 percent of the cost of bolstering the fund. That is not an equitable share," he told members of the House Government Accountability & Oversight Committee.

The benefit cuts principally come through a reduction in the maximum number of benefit weeks from the current 26 to as few as 20, depending on the state's unemployment rate at the time. Businesses would pay more through an increase in the taxable wage base from the current level of \$9,000 to \$11,000. (See Gongwer Ohio Report, November 30, 2016)

Were the benefit to be in place in 2015, it would have reduced the maximum weekly benefits to 20 weeks for 70,000 displaced workers, according to Mr. Schiller.

In response to a question from Rep. Kathleen Clyde (D-Kent) about the impact that provision will have on the state's poverty rate, Mr. Schiller said that would be difficult to calculate but did add it will make it harder for unemployed Ohioans to find jobs.

Rep. David Leland (D-Columbus) questioned the impact of an increase in the taxable wage base to \$14,000, which is the level at which it would be if it had risen with inflation.

"I don't think it alone would be enough, but it certainly would be a positive step," Mr. Schiller said.

Mr. Schiller also raised concern that the sliding scale is based on the statewide unemployment rate. However, unemployment rates vary widely by county, he said.

The legislation also fails to take into account the varying unemployment rates across industries, former lawmaker Matt Szollosi, now representing Affiliated Construction Trades Ohio, told the committee in written testimony.

"Tying construction workers' number of weeks of eligibility to a standard unemployment rate is particularly harmful," he said. "For example, from 2008-2013, the national unemployment rate reached 10% in one month, October 2009. During the same time period, the construction industry rate exceeded 10% in 60 months. The construction industry unemployment rate can range from double to perhaps triple a standardized unemployment rate."

Mr. Szollosi, who also testified in the Senate Thursday, lamented proposed cuts to weekly benefits amounts for recipients with dependents and a freeze of benefit rates until the fund reaches a specific level, which he said could take as many as nine years.

"The drastic cuts that would result from passage of this bill would inevitably lead to an exodus of skilled workers, particularly those that are eligible to retire," he said. "Passage of the bill would also make recruiting the next generation of building trades men and women even harder at a time when we can least afford shortages."

Also in written testimony, Andrea Ashley on behalf of a coalition of construction employers, called on lawmakers to hit the brakes on the legislation. Instead of pushing the measure through during lame duck, she told the panel, legislators should begin the process again in January by forming a group that brings all interested parties together.

"Unemployment compensation is a very important issue for construction employers because it has a major impact on our industry's ability to recruit and retain a viable workforce," she wrote. "While we have taken every opportunity to express our concerns, we are not aware of an instance where all interested parties have come together for a meaningful discussion of what should be included in unemployment compensation reform."

Linda Cook with the Ohio Poverty Law Center took issue with provisions of the measure that do not fit the goal of achieving solvency, including one that allows one side in a claim dispute to opt out of an in-person hearing, another that would allow an employer to obtain a continuance if the claimant raises new allegations at a hearing and one that would result in an automatic disqualification if the employer could show that the employee could not perform the work.

"The three issues I have raised have no bearing on solvency of the system. Our first ask of this committee would be to slow down the process of UC reform and start again next session with a more inclusive process where all stakeholders are at the table," she told the panel. "Barring that, if the goal of this committee is to pass a bill addressing solvency, then the non-monetary issues I have raised should be excluded from this legislation."

Rep. Clyde agreed, saying, "These are big changes that have major impacts and we should look at them carefully and perhaps consider in other legislation."

Senate: The Senate panel received mixed reviews of the bill (SB 374) from witnesses. Ohio Contractors Association Director of Legislative Affairs Angela Van Fossen in written testimony urged lawmakers to postpone action until early next year.

"The unemployment compensation fund has had a solvency issue for many years and no new proposal can be properly vetted over a few hearings during lame duck," she said.

Much of the Senate proponent testimony mirrored that received by the House committee Wednesday, including testimony from the NFIB, the Ohio Manufacturers' Association, and the Ohio Chamber of Commerce.

Proponent testimony was also submitted by the Ohio Council of Retail Merchants.

Sen. Michael Skindell (D-Lakewood), citing a fiscal analysis, repeatedly questioned whether the bill provides a "balanced" approach.

"The analysis concludes 83% of the cost for solvency is borne by the employees under this bill," Sen. Skindell said. "I just don't see that as a balanced approach."

Latest Towing Industry Overhaul Bill To Receive Changes, Vote Next Week

Towing companies and lawmakers are close to an agreement on legislation that would make a number of changes to the industry.

Sen. Frank LaRose, chair of the Senate Transportation, Commerce and Labor Committee that's considering the bill (HB 341), said a handful of amendments to address issues raised in each camp will be added before the legislation is reported next week.

"I've got a whole list of concerns that other members have brought to my attention," he said in an interview.

However, the chairman said he's hopeful that any differences can be resolved before the committee meets again next week.

"I think that we're close enough in all of those negotiations that we'll be able to bring this in for a landing on Tuesday," he said.

Lawmaker concerns include reversing penalties set in a previous towing industry overhaul bill (SB274, 130th General Assembly) and giving the Public Utilities Commission of Ohio more authority over towing businesses, Sen. LaRose said.

Under the bill, a tiered violation and penalty system would be created to separate major and minor penalties.

Industry advocates have been supportive of the change because new PUCO regulations that went into effect last month as a result of SB274 could be a death knell for businesses that commit administrative offenses such as failing to provide towing cost estimates or receipts.

"There are several changes where a major violation is turned into a minor violation," Sen. LaRose said. "There are a few members who have concerns about that and so we're working through those discussions."

In addition to fines that increase along with the number of major and minor violations, the bill keeps in place the ultimate penalty of repeat offenders losing their Certificates of Public Convenience and Necessity that are now governed by the PUCO.

Sen. LaRose said committee members are leery about a provision that would give the PUCO more control over the industry by allowing it to set towing rates.

Currently, tow away zone laws set the rates at \$90 for a tow and \$12 per day for storage. Those fees would increase slightly to reflect the consumer price index and the commission would hold a hearing after five years to potentially set new rates if the bill becomes law.

The price for tows that occur after traffic accidents have long been up for debate as insurers claim that some companies send inflated bills for coverage. The bill creates a Towing and Quick Clear Board to review appeals while owners get their cars repaired.

Although the Association of Professional Towing-Ohio and the Ohio Insurance Institute are backing the solution, Sen. LaRose said changes may need to be made in that area of the legislation.

"I think there is a well-known sense around here that the administration just doesn't like creating new boards under the idea that we have quite a few already and we just don't want to go creating new boards every General Assembly," he said.

Meanwhile, the Towing and Recovery Association of Ohio has submitted some of its own amendments. At least four are being considered, its counsel Robert Mecklenborg said.

Among the requests: That the final version of the legislation address problems that can occur when offering consumers that ability to pay with credit cards with the use of a mobile device and limit the prohibition on compensation for authority to tow vehicles to monetary compensation.

"These hard-working men and women perform an important service which promotes the free flow of travel and trade day after day often under severe and dangerous conditions. They perform these regulated and needed services only after considerable training and capital outlay," Mr. Mecklenborg told lawmakers.

"This bill gives you the opportunity to go beyond providing the traditional lip service to our small businesses by improving the regulatory climate in which they operate."

The legislation as it stands would give operators more leeway in various instances, such as increasing the number of miles a towing lot can be located away from the site of the tow and clarifying that drivers must deliver cars to lot within two hours only if it's practical.

It also creates a process for a storage lot to receive a salvage title for abandoned or junk vehicles so that space can be freed up in a reasonable amount of time. Witnesses who testified in support of the measure on Thursday applauded the provision that makes changes to a process put in place by SB274.

Opponents Say Pet Store Bill Violates Home Rule, Contains Loopholes

Animal advocates told lawmakers Thursday that a bill to change regulation of dog sales to pet stores would violate the home rule authority of local governments and allow for the sale of dogs from unlicensed, unregulated breeders.

The bill ([SB 331](#)), the so-called Petland Bill because it was prompted by a Grove City ordinance aimed at the retailer, would pre-empt local ordinances banning the sale of puppies from certain high-volume breeders to pet stores and implement new regulations statewide relating to the breeders.

Kirsten Ebsen, who testified before the House Finance Committee on behalf of a number of groups including Ohio Voters for Companion Animals Inc., said she believed there were loopholes in the bill that would allow

"puppy mills" to continue to raise the animals in inhumane conditions and sell them to Ohio pet stores.

"While everyone is working hard to make both sides happy, if you may, we believe that there are many loopholes and we would like to revisit the language," she said.

Committee Chairman Rep. Ryan Smith (R-Bidwell) said he expected the panel to vote on the bill next week. A substitute version is expected to pick up numerous other provisions, but he said it's too early to tell exactly what will be in it. Rep. Smith said he didn't expect any compromise to make both sides of the issue happy.

"I don't think we're going to get to a point where everybody's OK with the bill," he said after Thursday's meeting. "I'm not sure where we'll end up or who will be happy."

Rep. Smith said he personally believes the government should be wary about telling businesses what they can and can't do, and public protests and other pressures can often persuade businesses to stop unpopular practices.

"I'm a free-market capitalist type of person. Ringling Brothers doesn't have the elephants anymore because people protested, it's not because government intervened and said you can't do that," he said. "I'm always fearful when government starts getting involved in businesses, telling them where they have to buy things."

Lori Carlson, director of the Licking County Humane Society, described an incident in which a van carrying puppies who were improperly cared for was stopped in Licking County, leading to an investigation by the U.S. Department of Agriculture and the breeder losing his license. In most cases, however, she said the low standards the USDA has held breeders to make it difficult to punish bad actors.

Rep. Dave Hall (R-Millersburg) asked how the state could work to reduce the cases of puppies coming from out-of-state breeders in poor condition.

Ms. Carlson said the burden is on local governments and local entities, like county humane societies, in most cases.

Rep. Mike Duffey (R-Worthington) said the bill provides a statewide standard for the regulation of breeders. He asked if having uniform standards for stores all over the state was preferable to a patchwork of municipal ordinances. Ms. Carlson said she believed there should be uniform standards, but local entities should also be allowed to have their own standards.

"I do believe a statewide standard would be helpful, but what I know is that for those of us who are out there every day working on the puppy mill bill, it's not working for us," she said.

Corey Roscoe, state director for the Humane Society of the United States, said the provision regarding "low-volume breeders" would allow the stores to continue to buy from puppy mills.

"Allowing pet stores to source from 'low volume breeders' creates a massive loophole because there is no way for the state of Ohio to ensure that breeders across the country selling to Ohio pet stores are actually low volume, rather than large-scale puppy mills who have been able to avoid federal licensing," she said.

Closing that loophole would make it easier for the Department of Agriculture to regulate pet stores, she said.

"I do think we could make their job easier by closing the loophole by not allowing unregulated and unlicensed breeders to sell to Ohio pet shops," she said.

Rep. Duffey said lawmakers need to be careful in crafting regulations about where pet stores can buy dogs to avoid "puppy laundering," in which puppy mills could, hypothetically, route the dogs through an entity purporting to be a shelter. He said he'd prefer a broad stream of regulated breeders able to sell than only allowing stores to sell shelter dogs.

"If we can get people into the light of the day, that is much better," he said.

Jason Cooke, the former president of the Humane Society of Mahoning County, said the goal isn't to stop the sale of dogs from breeders, just the sale of dogs from abusive ones.

"Nobody is trying to attack the reputable breeders that are breeding these dogs," he said. "What we're saying is that these dogs are coming from such inhumane conditions and the consumers are oblivious to it. We're trying to ensure these dogs live a better life."

Larry Mitchell, board chair of the League of Ohio Sportsmen, submitted written testimony in support of the bill. Labeling most breeders in the state as high-volume breeders, he said, would regulate the average citizen who sells just one dog.

"It was never the intent to regulate sporting dog breeders, dog fanciers and/or hobby breeders with the same level of oversight that we use for the largest, abusive kennels. The case has not been made as to why these high-quality breeders require the same level of regulation - a one size fits all approach," he said.

Subscribers Note: Full testimony is available on the committee's [website](#) under Dec. 1.

Health Department Revokes Dayton-Area Abortion Clinic License

While pro-life advocates on Thursday cheered an Ohio Department of Health decision to revoke the license of a Dayton-area abortion facility, abortion rights officials questioned the constitutionality of the move.

The department rejected Women's Med Center's license after it failed to meet the department's health and safety standards due to a lack of a transfer agreement with a nearby hospital for emergencies.

Devin Scribner, executive director of Ohio Right to Life, said the move is "holding this abortion facility accountable to basic health and safety standards."

"This is the same facility that, according to the Ohio Department of Health, violated a woman's right to refuse an abortion last June," he said. "We're grateful to see action being taken on this facility and are hopeful that it will spare thousands of lives in Dayton."

The clinic had applied for a variance to the law, which was denied. It now has 15 days to appeal the license revocation.

"For years, this abortion facility has operated without sufficient emergency back-up care for the thousands of pregnant women who come through their doors," Mr. Scribner said. "The whole state of Ohio should be alarmed by this facility's consecutive failures to either secure an agreement with a local hospital, or meet the department's rules for alternative back-up care. The traditional medical community has rejected doing business with this facility, and the state of Ohio is doing the same."

However, others suggested the department's move to revoke the clinic's license is unconstitutional.

"Less than six months after the U.S. Supreme Court ruled that regulatory schemes against abortion providers are unconstitutional, John Kasich's Department of Health is pushing to close Dayton's only abortion clinic," Kellie Copeland, executive director of NARAL Pro-Choice Ohio, said.

"Let me be clear, this clinic provides excellent and needed healthcare to the Dayton community and they will not back down. They will fight in the courts for justice on behalf of their patients. This clinic stays open."

Rep. Greta Johnson (D-Akron) said the clinic was unable to obtain a variance because it could not meet a threshold of four back-up obstetricians due to a campaign of doctor intimidation and harassment.

"Not only is the state of Ohio acting on likely-unconstitutional laws, but in doing so it is jeopardizing the health and safety of Ohio women for political gain," she said. "The administration is also unilaterally and arbitrarily inventing new rules on the fly to thwart doctors and clinics who continue to meet Ohio's restrictive laws. My

colleagues and I have introduced legislation to eliminate the medically unnecessary transfer agreement and prevent the harassment against physicians, like those in Dayton. While we are forced to wait for action on these bills, Ohioans are losing access to yet another safe, medical facility to receive the care they need."

Husted Certifies Election, Pegs Voter Turnout At 71%

The historic presidential election is officially in Ohio's books with Thursday's announcement by Secretary of State Jon Husted that he had certified the results.

The secretary said 5,607,641 out of 7,861,025 registered voters in the state cast ballots, resulting in a voter turnout rate of 71.33%.

"As we close the books on another election, one thing that is abundantly clear is that Ohio is a national leader in elections administration as our state once again has delivered a well-run election," Secretary Husted said in a statement.

"Despite the unwarranted predictions of a troubled election, it is clear that voters had a great experience and the 2016 Presidential Election in Ohio was free of any major problems."

Mr. Husted said the November results marked two milestones: more Ohioans cast an absentee ballot than at any prior election, and; fewer Ohioans cast provisional ballots than in any presidential election since 2004, the earliest year records are available.

Other statistics provided by Mr. Husted's office:

- The 2016 presidential election turnout compares to 5,633,246 (turnout: 70.53%) in 2012 and 5,773,777 (turnout: 69.97%) in 2008.
- President-Elect Donald Trump carried 80 of Ohio's 88 counties.
- 1,890,069 absentee ballots were cast with 1,879,630 (99.45%) counted. This compares to 1,876,174 absentee ballots cast in 2012 with 1,862,984 (99.3%) counted. In 2008, 1,744,753 absentee ballots and 1,717,256 (98.42%) were counted. More absentee ballots were cast and a higher percentage were counted than in 2008 or 2012.
- 56.8% of counted absentee ballots were cast in counties won by President-Elect Donald Trump. 154,965 provisional ballots were cast with 131,987 (85.17%) counted. This compares to 208,084 provisional ballots cast in 2012 with 173,785 (83.52%) counted. In 2008, 206,859 provisional ballots were cast with 166,870 (80.67%) counted. Fewer provisional ballots were cast and a higher percentage were counted than in 2008 or 2012.
- 50.3% of counted provisional ballots were cast in counties won Mr. Trump.

More historical data is available on the [secretary of state's website](#).

Dems Join Popular Vote Effort; ODP Slams DeWine On Drug Epidemic; Congressional Dems Skeptical Of Trump Picks; Prez-elect Kicks Off 'Thank You Tour'

After experiencing their party winning the popular vote only to lose the Electoral College twice in the past 16 years, a pair of Ohio Democrats is joining an effort to ensure that the situation does not arise again.

Reps. Dan Ramos (D-Lorain) and David Leland (D-Columbus) announced Thursday their intention to introduce legislation that proposes Ohio join the National Popular Vote Interstate Compact, a group of states that pledge their entire Electoral College delegation to the winner of the national popular vote during the general election.

"This is a change that is long overdue. Two-thirds of the presidents elected in my adult life will have been chosen by the Electoral College in their first term without a corresponding majority of the electorate," Rep. Ramos said. "Our current framework does not respect the direct will of the people. This is patently undemocratic and undermines confidence in the people that we are truly a democracy."

Added Rep. Leland: "For the second time in 16 years the will of the American people has been hijacked by the Electoral College. Enough is enough. This National Popular Vote legislation will add Ohio to the compact of states that believe, in a true democracy, the candidate with the most votes wins."

The compact will not go into effect until enough states join to comprise 270 electoral votes. Ohio's addition would bring the current total to 183 electoral votes.

Epidemic: Amid a report that found Ohio leads the nation in opioid overdose deaths, the Ohio Democratic Party slammed Attorney General Mike DeWine, a likely 2018 gubernatorial candidate, for not doing more to combat the state's drug epidemic.

"Ohio's heroin crisis continues unabated, with too much talk and too little leadership from the state on the issue," Ohio Democratic Party Chairman David Pepper said. "On the same day a new report found that Ohio now leads the nation in opioid overdose deaths, Attorney General DeWine held a radio town hall on the topic. The host mentioned they held a town hall just like this one last year, and in the 2014 election year, DeWine held highly publicized town hall meetings across the state on the issue. After each meeting, DeWine touted the progress of the meeting. Yet amid all the television cameras and talk, the heroin crisis has only escalated."

"Clearly Ohio's problem isn't a lack of town halls and political television advertisements. Until there is a serious surge in evidence-based treatment programs and meaningful prevention, Ohio communities will keep enduring this appalling epidemic."

Mr. DeWine's office fired back.

"Ohio is facing a serious opiate crisis and one of the ways we can help educate people is through town halls. WTAM's Mike Trivisonno, who is passionate about the issue, has dedicated time on his radio show to help raise awareness," spokesman Dan Tierney said in an email. "If Mr. Pepper had actually listened to the show, he would have heard from law enforcement, treatment providers, and advocates about their efforts."

Trump Picks: Less than a month into his transition to the presidency, President-elect Donald Trump's cabinet picks are not inspiring confidence among at least two members of Ohio's Democratic congressional delegation.

Both U.S. Rep. Tim Ryan (D-Niles) and U.S. Sen. Sherrod Brown (D-Avon) raised concerns about Mr. Trump's choice to lead the Department of Health and Human Services, U. S. Rep. Tom Price (R-Ga.).

Rep. Ryan said his selection signals that both the Affordable Care Act and Medicare could be in jeopardy.

"It is incredibly troubling that President-elect Trump has selected a Secretary of Health and Human Services who has dedicated himself to repealing reforms that gave 20 million Americans access to health insurance and disallowed insurance companies from discriminating against citizens with pre-existing conditions," he said. "Further, while millions of seniors depend on Medicare, Dr. Price continues his campaign to end the Medicare guarantee by turning it into a voucher program."

Sen. Brown had harsh words for both Mr. Price and Steven Mnuchin, who was tapped to serve as secretary of the treasury in the administration of Mr. Trump.

"To hand the reins to someone with Congressman Price's long record of trying to privatize Medicare is a direct betrayal of Donald Trump's campaign promise to protect and strengthen the program for America's seniors, and you can bet we will do everything in our power to block any attempt to hand the Medicare program that seniors have worked their whole lives for over to Wall Street," he said.

On Mr. Mnuchin: "President-elect Trump campaigned against big money's power in Washington and accused Wall Street and hedge funds of 'getting away with murder.' But now he has picked a hedge-fund manager whose Wall Street ties couldn't run deeper to lead the Treasury Department, which is exactly what this election showed the American people don't want. This isn't draining the swamp - it's stocking it with alligators."

Tour: The first stop on Mr. Trump's "Thank You Tour" is Cincinnati. He holds a 7 p.m. rally at U.S. Bank Arena.

Ahead of his stop, ProgressOhio "welcomed" him with a "[Banana Republic Report](#)."

"We chose the name because banana republics are plagued by income inequality, ruled by a corrupt alliance of government and corporate interests and known for persecution of political dissidents," Executive Director Sandy Theis said.

Governor's Appointment

Southern State Community College Board of Trustees: Lynn S. Stevens of Hillsboro (Highland Co.) for a term beginning Dec. 1 and ending May 11, 2022.

Supplemental Agency Calendar

Friday, December 2

School Facilities Commission, Lobby Hearing Rm., 30 E. Broad St., Columbus, 2:30 p.m. (Special meeting to consider and take action related to a proposed amendment to the Waverly City School District. The Commission may adjourn into Executive Session to confer with its counsel concerning a pending or imminent court action.)

Wednesday, December 7

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Thursday, December 8

Board of Voting Machine Examiners, 15th Fl., 180 E. Broad St., Columbus, 10 a.m.

Supplemental Event Planner


Tuesday, December 13

Ohio Municipal League news conference, Statehouse Atrium, Columbus, 10 a.m.

17 S. High St., Suite 630
Columbus Ohio 43215

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Click the  after a bill number to create a saved search and email alert for that bill.

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Daily Activity Planner for Friday, December 2

Legislative Committees

No legislative committees scheduled.

Agency Calendar

School Facilities Commission, Lobby Hearing Rm., 30 E. Broad St., Columbus, 2:30 p.m. (Special meeting to consider and take action related to a proposed amendment to the Waverly City School District. The Commission may adjourn into Executive Session to confer with its counsel concerning a pending or imminent court action.)

Mine Subsidence Insurance Governing Board, 2045 Morse Rd., Building H-2 Conf. Rm., Columbus, 3 p.m.

Event Planner

Ohio Republican State Central Committee meeting, Sheraton Hotel, 75 E. State St., Columbus, 10 a.m.

17 S. High St., Suite 630
Columbus Ohio 43215

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Senate Activity for Thursday, December 1, 2016

PASSED

HB ARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense.

26-1 (Amended) (Skindell)

Gongwer Coverage

SB DRUG VOLUME (LaRose, F.) To provide that five milligrams or more of fentanyl or an amount equal to or **237** exceeding one gram of a compound, mixture, preparation, or substance that contains any amount of fentanyl and that is not in a final dosage form manufactured by an authorized manufacturer constitutes a bulk amount for purposes of the laws governing drug offenses, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamphetamine to the list of schedule II controlled substances.

25-2

Gongwer Coverage

SB CASINO OPERATORS (Seitz, B.) To specify that the criminal penalty related to casino operators and **265** employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

27-0

Gongwer Coverage

SB POLICE ANIMALS (Gentile, L.) To authorize a law enforcement officer to purchase a police dog or horse **271** for fair market value when the officer retires in good standing from a law enforcement agency and certain conditions are met, and to declare an emergency.

EMERGENCY: 26-1 (Skindell); BILL: 27-0

Gongwer Coverage

INFORMALLY PASSED

HBPALLIATIVE CARE FACILITIES (Schuring, K.) To establish requirements for the operation of palliative **470** care facilities and requirements for hospital after-care and discharge planning, to prohibit assisting suicide, to require coverage for autism services, and to require the development of recommendations concerning the operation of memory care units.

Gongwer Coverage

REFERRED

Agriculture:

HB 580 MONTH DESIGNATION (Johnson, T., Huffman, S.) To designate the month of November as "One Health Awareness Month."

Education:

HB BILITERACY (LaTourette, S., Roegner, K.) To require the State Board of Education to establish the state Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students.

Finance:

HBSCHOOL CONSOLIDATIONS (Patterson, J., LaTourette, S.) To require the Ohio School Facilities Commission to provide classroom facilities assistance to a school district resulting from the consolidation of two or more school districts or from the voluntary transfer of the entire territory of a school district if specified conditions are satisfied.

SENATE PRESIDENT'S APPOINTMENTS

Ohio Livestock Care Standards Board: Appoint William Knapke

COMMITTEE HEARINGS

Ways & Means

HB TAX EXEMPTION (Buchy, J.) To exempt memberships to gyms or other recreational facilities operated by nonprofit organizations from sales and use taxation. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Buchy outlined his bill to remove sales tax from memberships to non-profit gyms. He said he first became interested in the issue in 1992, when the tax was first implemented.

Such taxes, he argued, serve as a disincentive for Ohioans to lead healthy lives.

"There is minimal justification for a heavy taxation rate on the non-profit gym memberships," he said. "Ohio is one of only six states that currently apply this type of a tax."

The total amount of lost tax revenue should the bill pass would be less than \$10 million, he said, "which is a very small amount when compared to the \$23 million plus in financial assistance provided to Ohioans who cannot afford the full-priced membership and other needed community services."

Wapakoneta Family YMCA CEO Josh Little voiced support for the bill, which he said would return Ohio YMCAs to full tax exempt status.

"Taxing memberships is unjust and runs contrary to our organizations' charitable nonprofit purpose," he said. "A YMCA should not have to tax a member, such as a youth that comes after school to a safe place to participate in healthy activities...or a senior citizen who comes to the Y to participate in activities that help them stay healthy, active, and social."

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the

246 purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (**SCHEDULED BUT NOT HEARD**; 5th Hearing-All testimony-Possible amendments & vote)

SB UNEMPLOYMENT COMPENSATION (Peterson, B.) To increase the taxable wage base under the **374** Unemployment Compensation Law, to temporarily freeze the maximum amount of weekly unemployment benefits a claimant may receive, to revise the amount of dependent unemployment benefits a claimant may receive and to make other changes in Ohio's Unemployment Compensation law. (**CONTINUED** (See **separate story**); 2nd Hearing-All testimony)

Subscribers Note: For full testimony, see the [committee's website](#) under Dec. 1.

Public Utilities

Governor's Appointments: The committee recommended the Senate reject the appointment of M. Howard Petricoff to the Public Utilities Commission of Ohio (*See separate story*).

The committee recommended full Senate approval of the appointments of Fred Cooke, Gene Krebs and Roland Taylor to the Ohio Consumers' Counsel Governing Board; and Dale Arnold, Shawn Nelson, Christopher Allwein, and Kevin Murray to the Public Benefits Advisory Board.

Transportation, Commerce & Labor

HB PROFESSIONAL ENGINEERS (Landis, A., Blessing, L.) To require professional engineers to complete **236** continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices. (**REPORTED** (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

HB TRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise **341** the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (**CONTINUED** (See **separate story**); 3rd Hearing-Proponent & interested party-Possible amendments & vote)

HB DUI SENTENCES (Cupp, R., Rogers, J.) To authorize a judge that grants limited driving privileges to a **436** second-time OVI offender to order the termination of the mandatory immobilization order. (**REPORTED**; 2nd Hearing-All testimony-Possible amendments & vote)

Fremont Municipal Court Judge Robert Hart provided proponent testimony on behalf of the Ohio Judicial Conference.

The measure is an effective solution to inconsistencies in OVI sentencing, he said. Currently, sentencing laws for second-time offenders require 45 day license suspensions but their vehicles must remain immobilized for 90 days.

"While courts have the discretion to grant such driving privileges, they have no authority to life or terminate the mandatory immobilization period, leaving the offender without access to the automobile her or she is otherwise legally authorized to operated, he said.

"Judges often see the benefit of permitting limited driving privileges to allow the offender to continue working or to attend school, treatment programs or medical appointments," he continued. "Without access to their vehicle, though, the driving privileges are of little benefit."

The Ohio Public Defender's Office and Mentor Municipal Court Judge John Trebets also submitted written testimony in favor of the bill.

HBBOARDING SCHOOL ZONE (Patterson, J., Roegner, K.) To authorize a municipal corporation or **455** township to establish a boarding school zone and a special speed limit within that zone. (**CONTINUED** (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)

SB FRONT LICENSE PLATE (Thomas, C.) To specify that failure to display a license plate on the front of a **202** motor vehicle that is required to display a license plate on the front and rear of the vehicle is a secondary traffic offense, to establish a maximum fine of \$25 for such an offense, to name this act the "DuBose Was A Beacon Act," and to amend the version of section 4503.21 of the Revised Code that is scheduled to take effect January 1, 2017, to continue the provisions of this act on and after that effective date. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Thomas, who spent 27 years in law enforcement, said he never issued a citation for having one plate and many officers don't enforce it.

"I am of the opinion that unenforced laws should be removed from the books," he said.

Those that do stop drivers for license plate violations sometimes use the primary offense as an excuse to engage in racial profiling, the sponsor said.

"I know firsthand of officers using the pretext of, an African American; driving a nice car; in or through a depressed neighborhood; having only one plate like many citizens, as a reason for a stop, believing the driver is a drug dealer. It is these types of stops that erode good community-police relations, foster tension and distrust resulting in unnecessary citizen's complaints," he said.

Sen. Patmon said the bill is a perennial one but is ultimately rejected because of concerns raised by law enforcement and school bus drivers who find value in front license plates because they help catch those who violate traffic laws or are suspects in other crimes.

Sen. Uecker said he thinks front plates are necessary because police have testified that they've scanned them before to find missing children or elderly.

The bill still requires drivers to have two license plates, they just wouldn't be pulled over for that reason only, Sen. Thomas said.

Sen. Brown said she agrees with the sponsor's thinking in that the current law is selectively enforced, but she too raised concerns of opponents who believe the plates are helpful in catching criminals.

It is possible that pulling someone over for a license plate infraction can catch criminals, but Sen. Thomas said he doesn't know that it's worth the risk. He said a Cincinnati officer was shot by someone he pulled over for not having a front license plate.

SB ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. **249** (**CONTINUED**; 3rd Hearing-All testimony)

Valerie Dahlberg, who represents the Ohio Roofing Contractors Association, supported the bill, saying it "presents a moderate approach to addressing public safety and protecting commercial and public building owners without impeding the growth and development of Ohio small businesses or growing state government."

Many municipalities in the state currently require local licenses and registrations, she said. Having a uniform state license would help ease "regulatory burdens."

Meanwhile, Ezra Escudero testified on behalf of the LIBRE Initiative, Concerned Veterans for America, Generation Opportunity and Americans for Prosperity in testifying against the measure.

"The groups represented today have long been opposed to unnecessary occupational licensing without a public need," he said. "These onerous and expensive requirements for occupations place unnecessary burdens on residents who are looking to climb the economic ladder and provide for themselves and their families."

States requiring licenses for many occupations typically have lower levels of low-income entrepreneurship because those who start their businesses with less capital have more trouble affording licenses, he said. In Ohio the Hispanic median household income is about \$38,500 and Hispanics make up 18% of the Ohio construction industry.

Claudia De Leon, president of the Columbus Hispanic Chamber of Commerce, said her members are also concerned about the bill.

Sen. Patton, who sponsored the bill, said he's contacted every organized stakeholder in the roofing and construction industry and this is the first opposition to the bill he's heard.

Not licensing roofers could actually cheapen the trade because it has become very technical and skilled, he said. Licensing also protects consumers, particularly after large storms when untrustworthy operators could be lured to the state.

If it were up to him, Sen. Patton said he'd like all roofers - including those who do residential work - to be licensed, but the bill was a compromise with the industry.

"I can't see why any organization would stand in the way of protecting people in the state of Ohio," he said.

SB VEHICLE SALVAGE DEALERS (Eklund, J.) To amend the law regulating motor vehicle salvage **334** dealers. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said the bill makes "minor, but purposeful" changes to salvage vehicle dealer laws. Those include redefining salvage motor vehicle to include those that have been declare a total loss, wrecked or destroyed.

The measure also decreases from five to three the number of permitted casual salvage sales a dealer can make in a calendar year and from five to four the permitted number of causal automotive sales in that same time, he said.

"This legislation will help provide protection to consumers against unknowingly buying salvage cars and parts, limit the number of dangerous vehicles on our roadways, and incentivize local law enforcement to pursue offenders," Sen. Eklund said.

He told Sen. LaRose that the reduction in number of vehicles that can be sold will hopefully make it less likely that they will get into the habit of selling the vehicles and making it a regular practice.

The increase in fines from \$100 to \$1,000 for a first offense was added to the bill to give law enforcement incentive to go after offenders, he said.

SB LICENSE PLATE (Uecker, J.) To create the Down Syndrome Awareness license plate. (CONTINUED; **359** 1st Hearing-Sponsor)

Down syndrome affects one out of every 792 children born, Sen. Uecker said. In total, 250,000 people nationwide have Down syndrome.

"Advances in research and rehabilitative resources have allowed many living with Down syndrome to lead successful and fulfilling lives, contributing much to their families and communities," he said. "However, continued support and understanding is crucial to combating misconceptions about Down syndrome."


Proceeds from the sale of the license plate will go to the Down Syndrome Association of Central Ohio and their partner organizations across the state, he said.

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NEWS UPDATE--Divisive Unemployment Compensation Revamp Stalls Amidst Doubts Over Votes

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

Mon, Dec 5, 2016 at 4:28 PM

Reply-To: gongwerreports@gongwer-oh.com

To: Standard_Subscriber_updates@gongwer-oh.com

NEWS UPDATE

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Monday, December 5, 2016, 04:28 PM

Divisive Unemployment Compensation Revamp Stalls Amidst Doubts Over Votes

Majority Republicans on Monday abruptly put the brakes on the House version of a controversial rewrite of the state's unemployment compensation system guidelines.

The development regarding the measure (HB 620) came moments before the scheduled start of a House committee that had the bill slated for a possible vote. Earlier in the day, the bill had been set for a floor vote Tuesday pending a report from the House Government Accountability & Oversight Committee.

Prior to the start of the committee, Chairman Rep. Louis Blessing (R-Cincinnati) pulled the bill from the agenda and indicated that the measure was done in terms of being completed during the lame duck session, which lawmakers hope to conclude this week. He directed further inquiries to GOP leadership.

Nevertheless, closed-door discussions among Republican leaders were ongoing as of Monday afternoon and a companion measure (SB 374) was still on the Senate Ways & Means Committee's Tuesday agenda.

The House package of adjustments that backers said would go far in making the state's UC fund solvent in the long term is vociferously opposed by a variety of labor groups and other interests, in part because it would be funded mostly with reduced benefits for unemployed workers versus additional employer costs.

And word was already circulating around the Statehouse that there weren't enough votes in the Senate to pass it despite the chamber's lopsided Republican majority.

If the issue does get pushed into the next session it will serve to somewhat mitigate what is already a stacked lame duck week, with more than 50 bills slated for committee votes over the next few days. Labor groups had promised to come out in full force to oppose its passage.

Also notably absent – thus far – from this week's committee agendas are controversial bills aimed at curbing abortions in the state.

7/23/2018

Gmail - NEWS UPDATE--Divisive Unemployment Compensation Revamp Stalls Amidst Doubts Over Votes
More details in today's Gongwer News Service *Ohio Report*.

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NEWS UPDATE--Unemployment Comp Fund Changes Eyed For Property Tax Measure; Pet Store Bill To Get More Local Control Curbs

1 message

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Tue, Dec 6, 2016 at 10:48 AM

NEWS UPDATE

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Tuesday, December 6, 2016, 10:45 AM

Unemployment Comp Fund Changes Eyed For Property Tax Measure; Pet Store Bill To Get More Local Control Curbs

House Republicans prepared Tuesday to update the state's unemployment compensation fund guidelines, albeit with only a few changes and not with the broader, controversial package that stalled yesterday.

The amendments are tied up for a measure on property taxes for development parcels (SB 235) that has become the vehicle of choice for interests looking to get various statutory changes in place before the lame duck session wraps up later this week.

Unlike the more extensive package that was sidelined Monday amidst strong opposition (HB 620; See Gongwer Ohio Report, December 5, 2016), the provisions prepared for the House Finance Committee to insert in the so-called Christmas tree bill only address a few items.

The stopgap measure amounts to a compromise between business and labor, according to officials. It will freeze benefits for unemployed workers from 2018-2019 while the taxable wage base on employers will increase from \$9,000 to \$9,500 over the same time.

Lawmakers also plan to repeal an automatic tax increase on business in the event the state is forced to again borrow from the federal government to cover the cost of benefits triggered by high unemployment. That provision was enacted in a bill (HB 390) that allows the state to retire the debt that it had accumulated when it borrowed to cover rising costs during the Great Recession.

Lawmakers and representatives from labor and business have set an April 1 deadline to reach agreement on a larger package of changes that brings long-term solvency to the system.

The property tax bill, which began as a measure to freeze property values on commercial parcels until they are developed, is also slated to pick up several other amendments. (House GOP Synopsis)

Among them are provisions to:

- Exempt tangible personal property used for oil and gas manufacture from the sales tax.
- Adopt the recommendations of the Net Operating Loss Study Committee.

7/23/2018

Gmail - NEWS UPDATE—Unemployment Comp Fund Changes Eyed For Property Tax Measure; Pet Store Bill To Get More Local Control...

- Exempt small business investment companies from the Financial Activities Tax (HB 592).
- Update pawnbroker regulations (SB 270).

The Finance Committee is also set to add a few substantive amendments to the measure regulating dog sales to pet stores (SB 331).

They include other proposals to supersede local ordinances, such as prohibiting labor-backed ballot issues on minimum wage and predictive scheduling. (House GOP Synopsis)

The panel is also expected to follow through with an amendment that would restrict local control over the placement of micro wireless equipment in rights of way. (See Gongwer Ohio Report, December 2, 2016)

Also to be included is a provision prohibiting bestiality (SB 195).

The committee is slated to continue its work after the House session that starts at 11 a.m.

More details in today's Gongwer News Service *Ohio Report*.

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Ohio Report, Tuesday, December 6, 2016

1 message

Gongwer News Service <gongwerreports@gongwer-oh.com>

Tue, Dec 6, 2016 at 11:10 PM

To: sml@sarahlatourette.com

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OHIO REPORT TUESDAY, DECEMBER 6

Senate, House Approve 'Heartbeat' Abortion Limit**House Narrowly Approves Energy Freeze Bill****House Advances Stopgap Unemployment Bill After Larger Overhaul Stalls****Senate OKs Interlock Devices For First-Time DUI Offenders****House Passes Bills On Arson, OVI Offenders, More****Property Tax Measure Loaded Up With Numerous Amendments; Pet Store Bill Gets More Local Control Curbs****State Revenues Plummet Again As Governor Warns Of Looming Recession****Tax, Appropriation Updates Added To University Audit Bill****House Panel Approves Amendment Making Concealed Handgun Licensees Protected Class****Amendments, Committee Vote Expected Wednesday For Bill Allowing Concealed Guns On Campuses, In Day Cares**

Committee Provides Exemption To Truancy Bill Despite Sponsors' Objections

Attorneys Raise Red Flags About Medical Malpractice Bill

High Court Sets Standards For Release Of Law Enforcement Dash Camera Recordings

Charter School Group Disbanding Amid Funding Challenges

Governor's Appointments

Joint Legislative Ethics Committee Opinion

Senate Committee Hearings

State & Local Government

Insurance

Ways & Means

Government Oversight & Reform

Finance

Transportation, Commerce & Labor

Education

House Committee Hearings

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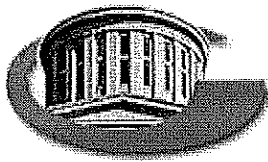
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House Activity for Tuesday, December 6, 2016

PASSED

SB POST-CONVICTION RELIEF (Seitz, B., Williams, S.) To require the clerk of a common pleas court to **139** retain a copy of the original trial file when a death penalty is imposed, to specify that there is no page limit on petitions for postconviction relief in death penalty cases or in appeals of denials of such relief, to modify the time for filing an amended postconviction relief petition in death penalty cases, to provide for depositions and subpoenas during discovery in postconviction relief proceedings in death penalty cases, and to require a judge hearing a postconviction relief proceeding in a death penalty case to state specifically in the findings of fact and conclusions of law why each claim was either denied or granted.

87-0

Gongwer Coverage

SB ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and **227** functions of the Attorney General.

80-0 (Amended)

Gongwer Coverage

HB NATIONAL GUARD SCHOLARSHIPS (Terhar, L., Brinkman, T.) To specify that a National Guard **464** scholarship recipient who fails to complete the recipient's term of enlistment in the National Guard due to enlistment, warrant, commission, or appointment in the United States armed forces is not liable for repayment of the scholarship.

86-0

Gongwer Coverage

HB RENEWABLE ENERGY (Amstutz, R.) To revise the requirements for renewable energy, energy efficiency **554** savings, and peak demand reduction and to revise provisions governing which customers can opt out of related programs.

54-40 (Anielski recused)

Gongwer Coverage

HB LOAN ACT (Terhar, L.) To create the Ohio Consumer Installment Loan Act.

598

79-2 (Dean & Hood)

Gongwer Coverage

CALENDAR FOR COMING SESSION

SB PROTECTION ORDERS (Bacon, K., Manning, G.) To provide that service of a protection order or **76** consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

Wednesday, December 7

SB ROAD NAMING (Coley, B.) To designate a portion of State Route 73 in Butler County as the "SPC James **207**E. Hall Jr. Memorial Highway."

Wednesday, December 7

SB CORPORATE GOVERNANCE (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273**

Wednesday, December 7

SB AWARENESS MONTH (Yuko, K.) To designate September as "Pain Awareness Month." **291**

Wednesday, December 7

SB FLU VACCINE (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine **311** information sheet pertaining to older adults.

Wednesday, December 7

HOUSE CONCURS IN SENATE AMENDMENTS

HB ARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the **185** property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense.

60-28

Gongwer Coverage

HBOVI OFFENSES (Scherer, G.) To authorize a court to grant unlimited driving privileges with an ignition **388** interlock device to a first-time OVI offender, to expand the penalties related to ignition interlock device violations, to modify the law governing the installation and monitoring of ignition interlock devices, to extend the look back period for OVI and OVI-related offenses from six to ten years, and to modify the penalties for OVI offenses.

91-0

Gongwer Coverage

HB CHILD ABUSE REPORTING (Sears, B., Ryan, S.) To make changes in the child abuse and neglect **493** reporting law, to generally prohibit an abortion of an unborn human individual with a detectable heartbeat, to create the Joint Legislative Committee on Adoption Promotion and Support, and to make an appropriation.

56-39

Gongwer Coverage

COMMITTEE HEARINGS

Financial Institutions, Housing & Urban Development

HB LOAN ACT (Terhar, L.) To create the Ohio Consumer Installment Loan Act. (**REPORTED-598** **AMENDED**; 3rd Hearing-All testimony-Possible amendments)

The bill was reported unanimously after Rep. Reineke added two amendments. The first was technical, and the second assures uniformity with the rest of the bill in terms of advertising.

Kalitha Williams of Policy Matters Ohio offered written testimony in opposition.

She said Ohio has an "unfortunate history" with payday lending, saying that installment loans represent the next generation of payday lending.

"The loans have been designed to appear less harmful, but they are still exploitative to financially vulnerable families," she said. "Installment loans have longer loan periods, many stretching longer than a month, larger loan amounts ranging from a few hundred dollars to several thousand dollars, and many still have high costs, compromised of a combination of interest and a slew of fees - credit investigation fees, origination fees, and fees for junk add-on projects."

HB BANKING LAW (Amstutz, R.) For the purpose of enacting a new banking law for the State of Ohio. **616** (CONTINUED (No testimony); 2nd Hearing-All testimony)

SB BANKING LAWS (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of **317** Ohio. (CONTINUED; 1st Hearing-Sponsor & proponent-Pending referral)

Sen. Coley said the bill makes the first significant changes in Ohio banking law since the 1980s, saying that the measure is needed to modernize laws to reflect changes in the industry. He said the bill increases "regulatory robustness" by condensing three ORC chapters into a single chapter that includes the strongest provisions of each individual chapter.

"This, combined with streamlining governing boards, would also decrease overhead costs of examinations and training," he said.

He said the bill also acknowledges electronic banking, references sections of law that apply to bank operations and requires the superintendent of financial institutions to pre-approve amendments to a bank's articles of incorporation or amended articles.

Sen. Coley added that the bill expands what is considered privileged and confidential; establishes a capital restoration plan if a bank is undercapitalized and eliminates laws regarding Societies for Savings.

He told the panel the bill received unanimous support in the Senate.

Dustin Holfinger of the Ohio Bankers League offered brief testimony, telling the panel the bill is identical to a companion measure (HB616) which he supported at a previous hearing.

Finance

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property **235** on which industrial or commercial development is planned until the completion of new commercial or industrial facilities at the property. (**CONTINUED-AMENDED (See separate story)**; 5th Hearing-All testimony-Possible amendments & vote)

Written testimony in support of the bill was presented by the Ohio Home Builders Association, Cincinnati USA Regional Chamber of Commerce, National Association of Industrial and Office Properties, the SB235 Coalition and the County Commissioners Association of Ohio.

It is set for a committee vote later this week. (*See separate story*)

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice **319** of pharmacy, and the provision of addiction services. (**REPORTED-AMENDED (On House calendar for Wednesday, December 7)**; 3rd Hearing-All testimony-Possible amendments & vote)

The bill was reported unanimously following the addition of a handful of amendments and the rejection of several changes proposed by Democrats, most of which entailed additional funding.

Rep. Sprague amended the bill with changes impacting prior authorization guidelines, treatment for pregnant women (**HB 325**) and pharmacy benefit manager procedures. He said the latter changes would improve PBM transparency. ([House GOP synopsis](#))

Rep. Antonio proposed adding an emergency clause, but it was tabled by majority GOP members.

Rep. Sykes also saw the GOP table amendments to allocate \$1.5 million to 15 counties in the state that have expanded drug courts, and provide additional funds to the IBH Addiction Recovery Center.

Republicans also tabled amendments to:

- Provide \$500,000 for naloxone purchases (Antonio).
- Provide \$22.5 million for child protective services (Antonio).
- \$31.2 million for ADAMH boards (Drieaus).
- \$118,000 for addiction services in Cincinnati to fund a hotline. (Drieaus).

Chairman Smith expressed opposition to any amendments with funding attached, saying the budget process was only a couple months away and state revenues were on the decline. (*See separate story*)

Rep. Drieaus opined that the state can't wait until the next budget is completed in late June to add funds to address the opioid addiction crisis.

Rep. Sprague said the state has already spent \$900 million on the heroin problem while acknowledging that efforts are ongoing.

Prior to the committee's action, Deborah Foster-Koch, executive director of the IBH Addiction Recovery Center, asked members to support an amendment to provide additional resources to the Akron center.

She said support of the amendment would go far in:

- Offering citizens of the State of Ohio afflicted with alcohol and drug addiction the opportunity to restore hope and gain skills for a lifetime of sobriety.
- Helping prevent the suffering of families in Ohio whose loved ones will lose their lives while using carfentanyl and fentanyl-laced heroin.
- Saving the cost of repeated residential treatments.
- Saving the costs of law enforcement and court systems due to drug-related crime, and by increasing the number of citizens who are legally employed and contributing to the community as taxpayers.

"Be assured that your support will help to further a 46-year-old vision that has changed the lives of almost 17,000 members of our community and beyond," she said.

SB PET STORES (Peterson, B.) To regulate the sale of dogs from pet stores and dog retailers and to require the

331 Director of Agriculture to license pet stores. (**CONTINUED-SUBSTITUTE-AMENDED (See separate story; On House calendar for Wednesday, December 7); 3rd Hearing-All testimony-Possible amendments & vote)**)

Prior to adopting a substitute with five amendments (*see separate story*), the panel heard opposition testimony from a few witnesses.

Susan Urell, a Columbus resident and self-described former customer of Petland, said she came to dislike the company after she learned more about its practices. She questioned whether animal welfare groups were adequately represented in interested party meetings on the bill and presented the panel with materials on puppy mills and related subjects.

"I respectfully urge you to work with the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals, and all of the other animal advocate groups here in Ohio who are pretty much begging to help you, and please write a bill that will both protect animals and keep the pet stores in business," she said.

Jaime Leifheit said Petland has already closed about half of its stores in the U.S.

"Regardless of what your perceptions may be, the reality is if you vote to pass this bill, you will only be delaying the inevitable," she said. "Petland has a choice and if they choose to continue operating their business as they do now - and we have nothing indicating they are making any changes - Petland will face the unavoidable."

"They will go out of business. Why? Because Petland refuses to implement a humane business model," she added.

Kellie DiFrischia, director of Columbus Dog Connection, asked the panel to make some changes to the bill, including a new threshold definition and a requirement that the Department of Agriculture post a list of licensed breeders on its website along with inspection reports.

A few other opponents submitted written testimony. The American Kennel Club submitted a written statement in support.

SB INFANT MORTALITY (Jones, S., Tavares, C.) To provide for the implementation of recommendations **332** made by the Commission on Infant Mortality and to authorize pharmacists to administer by injection certain prescribed drugs. (**REPORTED-AMENDED (On House calendar for Wednesday, December 7); 3rd Hearing-All testimony-Possible amendments & vote)**)

Prior to the report, Rep. Sprague won support for an amendment that requires the Department of Health to collect stillbirth data and develop educational materials.

Rep. Sykes successfully offered an amendment she said was recommended by the Task Force on Infant Mortality that gives priority to pregnant women seeking shelter at homeless shelters.

Republicans tabled another proposal from the Democrat to require cultural competency training as part of licensure requirements for medical professionals.

Elizabeth Yassenoff testified in support of the stillbirth amendment.

She and her husband Erik lost their firstborn son Jacob at birth, she said.

"This bill requires the Department of Health to collect and disseminate information to help understand why stillbirth occurs, and it is a critical first step toward the possibility of saving some of these precious young lives," she said.

Andrew R. Hackman, representing the Juvenile Products Manufacturers Association, opposed the bill.

"History, proper use & CPSC data demonstrates no causal link with (American Society for Testing and Materials)-compliant crib bumpers and an increased risk of injury," he said in prepared testimony.

He also asked for additional amendments to "acknowledge CPSC action on all products."

"As with all issues related to infant sleep safety, the actual safety issues relate more to sleep positioning and correct usage of products that are intended for use in a safe sleeping environment," Mr. Hackman said. "JPMA strongly encourages consideration of policies that support consumer choice and as such, respectfully requests that the Committee evaluate all data, solicit comments, and work with industry to address these concerns, rather than simply banning the product category, which could lead to unintended consequences."

Written proponent testimony was submitted by the Ohio Dental Hygienists Association, the Ohio Association of Community Health Centers and Cuyahoga County Executive Armond Budish.

Insurance

HB FAMILY LEAVE (Kuhns, C., Boyd, J.) To establish family and medical leave insurance benefits to provide **511** paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.

(CONTINUED; 1st Hearing-Sponsor)

Reps. Kuhns and Boyd detailed the legislation that would provide 12 weeks of family and medical leave benefits that the sponsors said would permit individuals to care for a family member, bond with a new child or address their own serious health condition.

Rep. Kuhns said Ohio should lead on the issue of paid leave to grow the economy and allow working people to put family first. The maximum weekly benefit amount would be set at \$1,000.

Rep. Kuhns explained the bill would require the director of the Department of Job and Family Services to conduct an actuarial evaluation by July 1 next year before establishing the program. The evaluation, she said, would help determine premium amounts and the balance needed in a Family and Medical Leave Insurance Fund. She said the cost of operating the program would be relatively low, noting that a Colorado-considered bill carried an estimated cost of \$400,000 to complete the actuarial evaluation and establish the program. Further, she said individual premiums would be small for employees, with programs in New Jersey and California costing participating employees an average \$26.08 and \$30 per year, respectively.

Rep. Kuhns concluded that working people in Ohio should not have to worry about losing their job or falling behind financially to take care of a sick child or relative, address their own serious health condition or care for and bond with a newborn child.

SB FIREFIGHTER CANCER (Patton, T.) To provide that a firefighter who is disabled as a result of specified **27** types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

(REPORTED-SUBSTITUTE (On House calendar for Wednesday, December 7); 4th Hearing-All testimony-Possible amendments, substitute & vote)

Over continued concerns expressed by local government, the panel reported the bill with two votes in opposition.

Following the adoption of a fifth substitute version and a final presentation on behalf of the Ohio Municipal League and the Ohio Township Association, the bill was reported on an 8-2 bipartisan vote with Reps. Dean and Merrin dissenting.

The substitute, as explained by Rep. Henne, provides for a rebuttable presumption by an employer for evidence that an exposure occurred prior to employment and provides for a 20-year statute of repose for the occurrence of

a qualifying cancer. And language was changed from "could be" a cause to "probably is" a cause when making a determination. It also lowers from 75 to 70 or older for a presumption to be rebutted.

A final change in the substitute names the bill after Michael Palumbo, a Beachwood Fire Captain/Paramedic who was diagnosed with Glioblastoma Multiforme, an aggressive form of brain cancer that has been linked to his career as a firefighter.

Josh Brown of the Ohio Municipal League expressed ongoing concerns on behalf of both the OML and the OTA. Mr. Brown urged the removal of exposure to Group 2 carcinogens not intended to provide a basis for determining the cause of cancer in humans. He said Group 2 is defined as limited evidence in human and sufficient evidence in animals, all of which he noted are experimental animals. He continued that Group 2 carcinogens include multiple items common in the environment, including hot dogs, aloe vera, diesel fuel, engine exhaust, gasoline, pickled vegetables, hairdressing and barber work, red meat, very hot beverages and dry cleaning.

"It is absurd to include Group 2 in the bill," he said. "There is no evidence that anything in Group 2 leads to cancer."

Mr. Brown also noted that without an appropriation, all costs associated with the expanded coverage will be directly passed on to local governments. He noted the Senate-passed version carried an estimated cost to taxpayers of over \$100 million per year.

In response to a committee question, Matthew DeTemple, executive director of the Ohio Township Association, said the over 1,300 townships throughout the state have an average budget of between \$500,000 and \$750,000. He projected that with approved claims that would otherwise not be approved, workers comp base rates in certain townships could increase by as much as \$55,000 per year.

Mr. Brown said litigation costs would be enormous, adding that Philadelphia had over \$2 million in litigation costs last year alone. He pointed out that Ohio as three similarly-sized cities.

Rep. Bishoff said it was important to both look at the short-term and long-term costs involving cancer work-related instances, adding that the state has done little to nothing to protect first responders from hazardous materials.

Energy & Natural Resources

HB INJECTION WELLS (Phillips, D.) To prohibit injection of brine and other waste substances except in **522** class I injection wells, to prohibit the conversion of oil and gas wells, to require municipal or township approval prior to the issuance of an oil or gas well permit, and to levy a fee on the injection of brine and other waste substances into a class I injection well. (CONTINUED; 1st Hearing-Sponsor)

Lacking a quorum, the panel heard the bill as a subcommittee.

The main provision of the bill requires that waste from fracking be injected into Class I wells and prohibits injection into Class II wells, Rep. Phillips said.

The bill also provides local authorities the opportunity to be involved in the permit process for new wells before being approved or denied by the Department of Natural Resources, according to Rep. Phillips. Additionally, it requires information about chemical make-up of waste be provided to first responders, bans open pits of waste and will levy a one-cent tax on injected waste to cover implementation costs.

Rep. Hill asked Rep. Phillips if there was currently an opportunity for the public to comment about well sites.

Rep. Phillips said that though opportunities for public opinion to be heard do exist, the bill enables local leaders to give a different type of public input during the implementation process.

Rep. Hagan inquired if the process of intertwining the local perspective would affect the permit process timeline.

The bill is a mechanism for local leaders to get involved, not to create delays, Rep. Phillips said. The bill proposes a tight timeline for the legislative authority to act with an expedited review process to approve or deny a permit by resolution within 7 days.

Rep. Phillips told Rep. Hagan the bill does not speak specifically to safeguards for political vulnerability.

Rep. Terhar asked what part of the permit process should change, voicing concerns about the balance between private property rights and government rights and a history of preserving that balance.

Rep. Phillips responded saying that the bill does not change property owners' rights to lease; rather it determines which level of government is appropriate for handling the process.

Rep. Landis inquired about the age of the wells in Rep. Phillips' district and if any citations have been filed by ODNR.

Rep. Phillips responded that some Class II wells in her district are old production wells with questionable casings. The bill responds to public safety concerns from constituents about a dramatic increase of waste and is seeking to manage the waste in the safest way possible.

Ways & Means

HB TAX EXEMPTION (Young, R., Romanchuk, M.) To exempt employment services and employment **343** placement services from sales and use tax. (CONTINUED-SUBSTITUTE; 1st Hearing-All testimony-
Possible substitute)

The substitute strips fiscal impact provisions from the bill, leaving a version that codifies the state Supreme Court's decisions that impact the staffing industry. Generally it retains the tax on employment service while broadening an existing exemption for personnel assigned on a "permanent basis" to include personnel assigned for an indefinite period of time and in contracts where personnel are "generally" assigned to the client on a permanent or indefinite basis.

The substitute further requires the purchaser of employment services that claims a tax exemption to present the employment agency with a certificate specifying the reason for the exemption. An exemption certificate relieves the employment agency from liability for collecting and remitting tax on the sale.

Jeff McClain, director of tax and economic policy for the Ohio Chamber of Commerce, reminded committee members that repeal of the employment services tax has been a key priority for the chamber's tax agenda. Since 1993, when the tax was first imposed, Mr. McClain said the employment services tax has raised the cost of creating jobs and should be repealed or, at least, made less of an obstruction.

Mr. McClain confirmed the amendments clear up language in areas nearly everyone agrees that are needed but stops short of an outright repeal of the tax. He concluded the committee is at the juncture with the consideration of some deserved relief with clarification of the original intent of the bill without having a fiscal impact.

In written testimony, Toby Malara, government affairs counsel for the American Staffing Association, supported the pared down substitute bill but asked the committee to consider further deliberation of the tax provisions which he said would generate more jobs and opportunities for Ohio's workers and Ohio businesses. Mr. Malara said taxes on staffing business services places small, locally-owned businesses at a competitive disadvantage. He continued that taxing such services raises the cost of doing business for small companies since they generally do not have the ability to avoid the tax by using in-house staff.

HB HIGHER ED TUITION (Ramos, D.) To reinstate the state income tax deduction for qualified higher **485** education tuition and fee payments that expired December 31, 2005. (CONTINUED; 1st Hearing-Sponsor)

In sponsor testimony, Rep. Ramos said the proposed tax deduction for tuition is an effort to limit ever-rising costs to Ohio residents attending college. He said that while the current budget document instituted a cap on

rising cost of tuition and fees, capping tuition at unaffordable rates does not make it affordable.

Rep. Ramos said tax breaks have traditionally been used to encourage good habits, such as buying a home, getting married or having children. He said the concept behind the bill is to further encourage good behavior by providing a tax deduction, claimed for each student for the academic equivalent of the first two years of post-secondary education of \$2,500 per student per year or a total of \$5,000 over a student's lifetime. "Investing in college education for young Ohioans is one of the best investments we can make in our future," he told the committee during the bill's first hearing the final committee hearing of the session.

In response to a question from Rep. Henne, the sponsor said the bill was written for public institutions of higher education but added he would not have any objection to include private schools.

HB CANCER REPORTING (Leland, D., Sprague, R.) To allow taxpayers to contribute all or a portion of their **572** income tax refunds to support improved cancer reporting through the Ohio Cancer Incidence Surveillance System Fund. (CONTINUED; 1st Hearing-Sponsor)

Rep. Leland reported that the Ohio Cancer Incidence Surveillance System Fund - Ohio's Central Cancer Registry - has not regularly been certified as "Gold" by the North American Association of Central Cancer Registries, meaning the state often fails to meet a minimum standard of 95% complete reporting. He continued that incomplete reporting means the state likely underestimates its cancer burden making it difficult for state and local health agencies to allocate resources properly. And, Rep. Leland added failure to meet reporting benchmarks disqualifies the state from being eligible for certain federal research grants and prevents researchers from receiving or even applying for funding opportunities contributing to the slowing of the state's progress against cancer.

Specifically the legislation would allow taxpayers to contribute all or a portion of their income tax refunds to support improved cancer reporting through the Ohio Cancer Incidence System Fund. He said the bill aims to distinguish improving the completeness and timeliness of cancer reporting as a cause worthy of a tax check-off. Funds derived from the check-off would allow OCISS to training smaller hospitals and other reporting sources that do not specifically employ cancer cases, employ cancer registrars to actively search for cancer cases, increase opportunities for electronic reporting of cancer cases, expand rapid case ascertainment for specific projects and focus on efforts on reporting cancer cases within one year of diagnosis.

Sponsor Leland told the panel the bill is revenue neutral and any implementation cost would be negligible. In return, they said the opportunity is there to bring Ohio up to national standards of cancer detection and prevention.

The legislation is supported by OSU's James Comprehensive Cancer Hospital and the Ohio Department of Health.

HB INVESTMENT COMPANIES (Merrin, D.) To subject small business investment companies to the **592** commercial activity tax rather than the financial institutions tax. (CONTINUED-AMENDED (No testimony); 2nd Hearing-All testimony-Possible amendments)

The amendment, offered by bill sponsor Rep. Merrin clarifies the bill's title putting it more in concert with the text of the legislation.

Community & Family Advancement

HB ABORTION (Celebrezze, N., Johnson, G.) To permit using state resources to provide abortion care. **356** (SCHEDULED BUT NOT HEARD; 1st Hearing-Sponsor)

HB ABORTION WAITING PERIOD (Johnson, G., Smith, K.) To remove waiting-period restrictions on when **357a** a woman can obtain an abortion and to repeal requirements governing the provision of notice to a woman's relative, custodian, or guardian, if the woman is seeking an abortion and is pregnant, unmarried, a minor, and unemancipated. (SCHEDULED BUT NOT HEARD; 1st Hearing-Sponsor)

HB AMBULATORY FACILITIES (Clyde, K., Fedor, T.) To eliminate the requirement for a written transfer agreement or variance for ambulatory surgical facilities. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-Sponsor)

HB PREGNANCY PROGRAM (Boyd, J., Sykes, E.) To require entities funded through the Ohio Parenting and Pregnancy Program to provide only medically accurate information. (**SCHEDULED BUT NOT HEARD**; 1st Hearing-Sponsor)

HB PAY DISPARITY (Driehaus, D., Howse, S.) To create the Gender Pay Disparity Task Force. **385** (**SCHEDULED BUT NOT HEARD**; 1st Hearing-Sponsor)

HB FOSTER CARE (Boyd, J., Rezabek, J.) To provide foster care maintenance payments for children in the care of a kinship caregiver without requiring the caregiver to be certified to provide foster care and to require, rather than permit, the creation of the statewide program of kinship care navigators. (**SCHEDULED BUT NOT HEARD**; 2nd Hearing-All testimony)

HB RECORD EXPUNGEMENT (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. **618** (**REPORTED (On House calendar for Wednesday, December 7)**; 2nd Hearing-All testimony-Possible vote)

Kari Bloom, legislative liaison for the Office of the Ohio Public Defender, said in written testimony the bill would fix mistakes by the state in charging the wrong people due to mistaken identity.

"I formerly worked as a trial attorney where I experienced firsthand the devastation that arrest based on misidentification can cause a person. Aiding those individuals with an automatic court process is helpful, necessary, and the right thing to do," she said.

Stephen JohnsonGrove, senior staff attorney with the Ohio Justice and Policy Center, said in written testimony that arrest records, even if they don't lead to convictions, can put up barriers to employment and other situations when they show up in background checks.

"When someone is exonerated for an offense - no matter how minor - and someone else is found guilty, we should take effective steps to clear the innocent person's reputation," he said. "Though this occurrence may be relatively rare, there is no reason not to provide a simple and complete mechanism in state law for expunging these records."

SB ABORTION (Lehner, P., Hottinger, J.) To prohibit the performance of an abortion on a pregnant woman when the probable post-fertilization age of the unborn child is twenty weeks or greater. (**CONTINUED (No testimony)**; 3rd Hearing-Possible Amendments & vote)

SB FAMILY STABILITY (Tavares, C.) To create the Ohio Family Stability Commission. (**REPORTED**; 3rd **30** Hearing-All testimony-Possible vote)

Former state lawmaker Ray Miller praised the bill and the idea of a Family Stability Commission, saying the state needed to coordinate services to help families in need. The commission should do a number of things, he said, to help promote stable families, including a public awareness campaign about the importance of two-parent families.

"I think a well-designed campaign with some hard-hitting yet sensitive messages could be designed just like you would have a marketing campaign, just like you would have a campaign against drug addiction," he said.

The commission, he said, should be run by people who really care about the issues, not people who are just there to have something to do.